

Resource Conservation and Recovery Act (RCRA) Grant
End of the Year Report Fiscal Year 2007-08
(July 1, 2007 through June 30, 2008)
ENFORCEMENT AND EMERGENCY RESPONSE PROGRAM
COMPLIANCE MONITORING AND ENFORCEMENT

The End of the Year Report, submitted by the Department of Toxic Substances Control (DTSC), Enforcement and Emergency Response Program (EERP), includes activities performed between July 1, 2007, and June 30, 2008, which were reimbursable under the RCRA Grant. Also included in the report are EERP's State-funded activities, as well as RCRA Grant-funded activities performed by other organizations within DTSC. Data entered into various EERP databases provide the principal basis for reporting EERP's activities.

The following are key highlights of the DTSC Compliance Monitoring and Enforcement program during the year:

EERP Highlights

- Completed 575 core regulatory work inspections including complaint investigations
- Achieved \$3,234,044 in settlement amounts resulting from administrative/civil enforcement actions
- Initiated 42 administrative/civil enforcement cases
- Settled 55 administrative/civil enforcement cases
- Received 865 formal complaints
- Completed 220 criminal investigations
- Referred 38 criminal cases for prosecution
- Settled 46 criminal cases previously referred
- Served 9 search warrants
- Made 71 arrests
- Conducted 1 sting operation
- Inspected 1726 trucks crossing the Mexican border
- Transporter Inspection Team inspections generated 2 enforcement actions
- Completed 228 E-Waste inspections that resulted in 6 enforcement actions
- Completed 97 Financial Responsibility (FR) reviews
- Reimbursed \$2,988,232.78 out of FR mechanisms
- Billed Imperial County generators \$1,434,993.26 in fees and penalties

- Responded to over 400 inquiries as Imperial County Certified Unified Program Agency (CUPA)
- Conducted 11 compliance workshops in Imperial and Trinity Counties
- Conducted 15 CUPA program evaluations
- Received, evaluated, or closed investigation of 8 self-disclosure notifications
- Received 84 import notifications and 27 export notifications

Scientific Program Data Analysis Highlights

- Continued major program work on Inspections, Complaints, and Enforcement data system to translate data to the RCRAInfo data system.

I. INSPECTION AND MONITORING

A. CORE INSPECTION ACTIVITIES

EERP conducted 575 inspections, including complaint investigations. The following RCRA and non-RCRA facility inspections were conducted:

Inspections Completed By Regions							
Inspections	ER and Clovis	State Oversight & Enforcement		Chatsworth	Cypress	Total Planned (annual)	Total Completed
RCRA TSD CEI Non-RCRA TSD CEI	17	1	10	29 0	21 0	75 Minimum	78
Comprehensive Monitoring Evaluations	0	0	0	0	0	2-5	0
Operations and Maintenance	0	0	0	0	0	2-5	0
Incinerator/BIF	2	0	0	0	0	2	2
Generators: CUPA Refineries	8	10	0	3 0	0 0	30 minimum	21
Std. Permit	0	0	2	4	4	Up to 10	10
Electronic Waste	14	17	28	67	102	No set number	228
Transporters	2	0	3	14	24	Minimum 35 for Grant. No set number for used oil	43
Used Oil Transporters	0	0	0	6	0	No set number	6
Financial Responsibility	8	0	35	54	0	One for every non-federal TSD CEI	97

Focused Inspections (was Limited Insp'ns)	0	0	0	4	0	No set number	4
Used Oil	0	0	0	9	0	No set number	9
Complaints	9	0	1	31	31	No set #	72
Follow Up Inspections	0	0	0	2	3	No set number	5
Port of Entry	0	0	0	0	0		0
TOTALS	60	28	79	223	185		575

* Total reflects complaints assigned to NCB and the defunct TSIFB.

Assessment of Inspection Commitments both RCRA and Non-RCRA

1. FACILITY INSPECTIONS

EERP conducted 78 Compliance Evaluation Inspections (CEI). Class I violations were cited during 4 of the inspections.

EERP had a grant commitment to conduct 2 Groundwater Monitoring Evaluation inspections and 2 Operations and Maintenance inspections; however, these were not conducted because DTSC Geological Services staff was not available.

2. GENERATOR INSPECTIONS

EERP conducted 21 generator inspections of which 8 were oil refineries. Class I violations were cited during 2 of the generator inspections and 1 of the oil refinery inspections. Class I violations were cited at 9 of the 10 independent CUPA Oversight inspections (See Section II. C. below.)

3. TRANSPORTER INSPECTIONS

EERP conducted 43 transporter inspections and 6 used oil transporter inspections. Class 1 violations were found during 4 of the transporter inspections and during 1 used oil transporter inspection.

4. FOLLOW-UP INSPECTIONS (WAS ENHANCED SURVEILLANCE)

EERP conducted 5 follow-up inspections. No Class I violations were found during these inspections.

5. FINANCIAL RESPONSIBILITY REVIEWS, FACTORS, AND ISSUES

Reviews

DTSC conducted 97 financial responsibility (FR) reviews.

Reimbursement and Mechanism Replacements

Additionally, EERP processed 10 requests from companies for reimbursement of costs associated with facility closure or post-closure, as well as 1 mechanism replacement request and 6 releases from FR requirements resulting from facility closure certification. The total amount released from FR mechanisms attributed to reimbursement requests totaled \$2,988,232.78.

Facility Name	Reimbursement Amounts or FR Requirement Changes
TRUECYCLE INCORPORATED	\$25,000.00
ECS REFINING, CITY OF SANTA CLARA	\$0
ACME FILL CORPORATION	\$1,071,001.61
IT LIQUIDATING TRUST	\$811,761.17
ROMIC ENVIRONMENTAL TECHNOLOGIES, REDWOOD CITY	\$306,797.00
ROMIC ENVIRONMENTAL TECHNOLOGIES, IRWINDALE	\$85,000.00
SAFETY CLEAN, OAKLAND	\$207,033.00
SAFETY CLEAN, SALIDA	\$188,133.00
SAFETY CLEAN, ROHNERT PARK	\$193,507.00
SONOCO PRODUCTS	\$100,000.00
TOTAL FY 2007-08 REIMBURSEMENTS/REQUIRMENT CHANGES	\$2,988,232.78

For specific details on the reimbursement amounts or FR requirement changes highlighted in the above table, please refer to Appendix A at the end of this report.

Financial Responsibility Issues and Projects

DTSC proposes to modify the financial assurance regulations by strengthening the financial test, requiring insurance providers be licensed or authorized to conduct business by the California Department of Insurance, and to clarify that the post-closure period is not fixed at 30 years.

B. INITIATIVES

1. AUTHORIZED AND COMMITTED INITIATIVES

a. UNIVERSAL WASTE–MERCURY LAMP ENFORCEMENT INITIATIVE

This initiative was concluded in FY 05/06.

b. ELECTRONIC WASTE INSPECTION AND ENFORCEMENT:

ELECTRONIC WASTE RECYCLERS

In 2003, DTSC's Hazardous Waste Management Program (HWMP) adopted emergency regulations that allow electronic waste (e-waste) recyclers to conduct treatment of electronic wastes without obtaining a hazardous waste facility permit. These emergency regulations implemented the Electronic Waste Recycling Act [Senate Bill (SB) 20/50], which established an inspection and payment system for specific electronic products (Covered Electronic Wastes, or CEWs). The system is financed by a fee collected from the consumer when a CEW is purchased in California. The fee goes into the Electronic Waste Recovery and Recycling (EWRR) Account, which is used by the California Integrated Waste Management Board (CIWMB) to reimburse compliant e-waste recyclers and dismantlers for their activities. A portion of the EWRR Account also funds DTSC's inspection of recyclers and dismantlers. In order for an e-waste recycler or dismantler to receive payment from CIWMB, they must be inspected by DTSC on an annual basis and be operating in compliance.

FY 2007-08 marked EERP's fourth year of inspecting such Universal Waste Electronic Device (UWED) and Cathode Ray Tube (CRT) material recyclers. The EERP E-Waste Team was officially formed in April 2008 to concentrate on conducting as many inspections as possible and streamlining field activities. The E-Waste Team Leader collaborated closely with CIWMB to relay inspection results, communicate enforcement actions, and discuss other issues pertinent to recyclers participating in the CEW payment system.

During FY 2007-08, EERP staff conducted 76 inspections of SB 20/50 facilities. EERP also conducted 16 inspections of e-waste facilities that are not participating in the SB 20/50 program, as part of the Non-Participating Facility compliance project. Of the 92 total recyclers inspected, five facilities were found to have violations serious enough to warrant an enforcement action. Four of the five facilities have returned to compliance; none of the cases have yet settled. Six cases that initiated in FY 2006-07 were settled in FY 2007-08, with a total of \$111,400 in settlement amounts (including \$25,000 in Supplemental Environmental Projects and California Compliance School credits).

A total of 57 e-waste recyclers now require an annual inspection by EERP, which is the same number that required an annual inspection in FY 2006-07.

INSPECTION AND ENFORCEMENT: ELECTRONIC WASTE COLLECTORS

In April 2008, the E-Waste Team's four e-waste Hazardous Substances Scientist SB 20 fraud positions (which had been used to conduct compliance inspections of universal waste collectors) were converted to auditor positions and transferred to DTSC's Office of Criminal Investigations (OCI). The E-Waste Team continued to inspect collectors for compliance with universal waste management regulations since OCI only investigates e-waste collectors for potential misuse of the EWRR Account. As offsite collectors of universal wastes, the approved collectors fall squarely within the regulatory purview of DTSC and are not part of the CUPA inspection universe.

A total of 136 e-waste collector inspections were completed by the close of FY 2007-08. 76 facilities had Class II or minor violations; none had Class I violations. The FY 2007-08 collector compliance rate of 44% is a significant improvement over the FY 2006-07 collector compliance rate of just 20%. Approximately 50% of the facilities with violations in FY 2007-08 will be targeted for re-inspection in FY 2008-09.

2. AUTHORIZED AND UNCOMMITTED INITIATIVES

a. LANDFILLS

On May 20-22, 2008, OCI conducted its inaugural Landfill Enforcement Initiative at the Puente Hills Landfill in Los Angeles County. In partnership with the California Integrated Waste Management Board and the Los Angeles County Sanitation District, this proactive OCI e-waste fraud initiative was aimed at commercial haulers who surreptitiously bring electronic and other hazardous waste to the landfill for illegal disposal. OCI issued a total of 20 citations for infractions related to dumping electronic and other hazardous wastes, and made one felony arrest on a \$50,000 warrant for grand theft auto. During the course of the three day project, OCI's scientists and criminal investigators made almost five hundred contacts with customers visiting the landfill, educated them on what can and cannot be dumped there, provided them with alternatives for legal disposal, and passed out more than 150 fact sheets on electronic, universal and hazardous waste management. As a result of this initiative, DTSC has formed an effective partnership with the LA County Sanitation District and has laid the foundation for future operations of this type. With their assistance, a large volume of TVs, e-wastes, pesticides, solvents, fuels, oils, and fluorescent tubes was kept out of the landfill. LA Times

reporter Ms. Marla Cone was present during one of the operation's most active mornings. She got to observe one of the worst e-waste dumping episodes first hand and witnessed the citation for the offender. The article that resulted should further bolster the efforts of this Initiative and aid in the deterrence of illegal disposal at landfills.

b. LEAD-CONTAINING WASTE

Nothing to report

c. MERCURY-CONTAINING WASTE

Nothing to report

d. LOS ANGELES ENVIRONMENTAL JUSTICE INITIATIVE

EERP introduced its Los Angeles Environmental Justice Initiative to community representatives during a two day Environmental Justice Tour and Workshop held in City of Maywood (Los Angeles County). The event (July 31 and August 1, 2007) was sponsored by Pacoima Beautiful and Felipe Aguirre, Mayor Pro Tem of Maywood. The tour provided EERP staff with an opportunity to listen and view sites from the perspective of city officials and community residents. The Los Angeles Environmental Justice Initiative focuses on increased enforcement efforts and community communication and collaboration efforts.

On July 31, 2007, participants toured sites in the cities of Pacoima, Van Nuys, the City of Industry, and Maywood. During the tour, five hazardous waste sites were visited: Holchem, Price Pfister, Quemeco, Gregg Industries, and Pemaco. During a luncheon held for participants, the Pacoima Beautiful organization gave a presentation on the efforts of the community activists and residents to identify environmental problems and work with regulators and city officials to develop workable solutions.

On August 1, 2007, a workshop was held at Maywood City Hall. Community representatives raised their concerns at a round table discussion. During the lunch break, participants had the opportunity to tour the DTSC mobile laboratory. Environmental and community groups attending the two day event included: Action Now; The Asian Pacific Environmental Network; California Communities against Toxics; The California Environmental Rights Alliance; Coalition for a Safe Environment; Comite Pro Uno; and Del Amo Action Committee. A number of proposed actions were developed during the discussions.

On August 21, 2007, EERP attended a meeting organized by representatives of the following community groups: California Communities Against Toxics; Coalition for a Safe Environment; Del Amo Action Committee; and California Environmental Rights Alliance. Subjects discussed included problems associated with methyl bromide cotton fumigation near residences in the City of Wilmington. Due to the Port of

Wilmington expansion, California Cotton fumigates their cotton shipments at their Wilmington plant instead of at the Port. Information was also provided on agency roles and responsibilities, and questions were answered on how to obtain compliance information on facilities.

On September 18, 2007, EERP and Site Mitigation Cleanup Operations met with Pacoima Beautiful representatives to further discuss community concerns raised during the July 31, 2007, Environmental Justice Tour. Facility inspections were scheduled as a result of these discussions. Further information was given regarding possible actions communities can take to identify and solve environmental problems.

On October 3, 2007, the EERP Chatsworth Performance Manager attended a U.S. EPA public meeting on the Pemaco Superfund site in Maywood. Community residents expressed concerns regarding drinking water, air quality, the use of the former Pemaco site for a community park, and the safety of ongoing treatment of contaminated soils.

On October 6, 2007, Chatsworth EERP participated in the Pacoima Beautiful Environmental Family Day. Agencies participating in the event included: the South Coast Air Quality Management District; the Regional Water Quality Control Board; and the Metropolitan Water District.

On November 15, 2007, a second Environmental Justice Workshop was held at the University of California, Los Angeles, Environmental Law School. DTSC's Director, Ms. Maureen Gorsen, attended the workshop and provided opening remarks. Representatives of four regulatory agencies participated in a panel discussion on responding to environmental complaints. A second panel also discussed building community trust. Follow-up information on action items from the August 1, 2007, workshop was also discussed.

On March 17, 2008, a third Environmental Justice Workshop, along with an Environmental Justice Tour, was held in Calexico (Imperial County). The San Diego State University Imperial Valley Campus (SDSU) hosted the workshop in conjunction with the Imperial County CUPA. Fourteen locations were viewed during the bus tour, including several locations along the New River flowing out of Mexicali, Mexico, through Calexico. Participants also viewed several industrial facilities that were located near new housing developments. The facilities included a sugar manufacturer, a meat-rendering plant, a cement plant, and a rail yard. Many of the participants felt that poor land use decisions had been made that placed new housing and schools near incompatible land uses. The evening public meeting was facilitated by Dr. Kimberly Collins of SDSU. Participants included several community leaders, a representative of the Imperial County Air District, and DTSC staff from the Imperial County CUPA. EERP Deputy Director Mr. Gale Filter provided opening remarks and expressed his commitment to environmental protection in Imperial

County. Information was given on the Imperial County CUPA Program and the Los Angeles Environmental Justice Program. Commitments to further work at several of the sites viewed were made at the conclusion of the meeting.

On June 23 and 24, 2008, EERP and the Coalition for a Safe Environment co-hosted a two day Environmental Justice Tour and Workshop in the Port city of Wilmington (Los Angeles County). Participants on the tour stopped at several oil refineries and an area where auto dismantlers, container yards, scrap yards, and auto shredders are located. During the workshop, participants identified several issues of concern. Priorities were placed on the following: oil refinery flares; heavy truck traffic near a local school; emergency response protocols for homes adjacent to the refineries; and potential hazards created by sulfur piles. U.S. EPA's Region IX Administrator Mr. Wayne Nastri participated in the bus tour, and several other U.S. EPA representatives attended both days of the event. Mr. Jesse Marquez was the main spokesperson for the community, and Mr. Jesus Torres with Citizens for a Better Environment also spoke. A follow-up workshop is proposed for September of 2008.

e. "WET-FLOOR" PLATING OPERATIONS

In November 2007, DTSC undertook an initiative to determine the regulatory status of "wet floors" at plating facilities. A "wet floor" is a situation where plating process liquids are allowed to accumulate on the floor of a plating facility, or the floor is used as a conveyance of the liquid wastes to a collection point where they are accumulated and pumped elsewhere for reuse, reclamation, treatment and/or disposal. A DTSC workgroup was formed consisting of a toxicologist, a geologist, two engineers, a staff counsel, and a program manager. The workgroup focused on three aspects: (1) whether or not the waste on the plating floor is hazardous; (2) the regulatory framework of the plating floor area (i.e., a sump, a surface impoundment, a tank or a miscellaneous unit); and (3) available regulatory options to determine the regulatory status of the wet plating floor. The findings of this initiative were documented and peer-reviewed by DTSC staff, and are currently being reviewed by the California CUPA Forum's Technical Advisory Groups. It is hoped that this initiative will be completed by September 2008.

II. HAZARDOUS WASTE GENERATORS REGULATION **(CUPA Coordination and Support)**

A. ASSISTANCE

In FY 2007-08, EERP received 426 calls and e-mail questions from CUPAs, with 86 of these calls and e-mails relating directly to RCRA issues. An additional 228 calls and e-mails were received from members of the regulated community and public, with 80 of these questions being directly related to RCRA issues.

B. EXTERNAL TRAINING

In FY 2007-08, EERP training to CUPAs continued to be provided on an as-needed and as-requested basis. As-requested classes provided to CUPAs included: Generator and Tiered Permitting Regulations to Los Angeles County (24 attendees); Violation Classification to Los Angeles County (30 attendees) and Orange County (30 attendees); Violation Classification and Tiered Permitting to the City of Anaheim (7 attendees); Tiered Permitting and Recycling to four CUPAs in Sonoma County (12 attendees); Tiered Permitting refresher, Recycling, and Manifest Training to Contra Costa County (15 Attendees); Tiered Permitting Los Angeles County (40 attendees); and Generator training to Lake/Mendocino Counties (6 attendees). EERP staff provided assistance to the Imperial County CUPA on the subjects of: preparation of annual self-audits, preparation of the required annual summary reports, and the flow and content of CUPA evaluation.

Lead in Jewelry and Packaging training was provided during four sessions in Richmond (80 attendees). The sessions were sponsored by the Labor, Occupational Safety, and Health Group, a group tied to the University of California system. One of these sessions was presented in Spanish to approximately 20 attendees. EERP presented Evidence and Waste Handling training to the California Association of Property and Evidence (CAPE) conference (112 attendees).

EERP presented Hazardous Waste Management Requirements for Paint Facilities, Small Quantity Generators, and Conditionally Exempt Small Quantity Generators to the Alameda County Task Force in Hayward (20 attendees). EERP presented the Permit-by-Rule (PBR) Requirements for the Onsite Treatment of Hazardous Waste at the Metal Finishing Model Shop Program & Compliance Assistance Seminars in the cities of Los Angeles and Santa Clara (135 attendees), and Handling of Small Lab Devices to Stanford University (25 attendees).

EERP also participated in the 2008 annual CUPA Conference held in Burlingame, February 4-7, 2008. Staff presented or participated in the following classes: Ask DTSC; Electroplating Facility Inspection Tutorial; Financial Assurance and Closure Cost Estimates for PBR and Conditional Authorization; Enforcement Case Studies; Tiered Permitting Inspector; Advanced Hazwaste Inspector; Gathering and Presenting Evidence; Unified Program Regulatory Updates; Examples of Outstanding Implementation; Unified Program Inspection and Enforcement Plan Guidance Overview; the CUPA Program; Green Chemistry; AB 1078: Methamphetamine Contaminated Property Cleanup Act Workshop; and Verbal Judo.

C. INDEPENDENT OVERSIGHT

In FY 2007-08, EERP conducted ten independent oversight inspections. Three were randomly selected RCRA Large Quantity Generators (LQGs), and seven

were focused on the onsite treatment of cyanide-containing wastes. All three (100%) of the RCRA LQGs inspected were found to have Class I violations, while six of the seven (86%) inspections of generators treating cyanide waste revealed Class I violations. These inspections were not focused on any one selected county or jurisdiction, but scheduled on a priority basis.

D. UNIFIED PROGRAM INFORMATION COLLECTION AND REPORTING

Large Quantity Generator Inspection Reporting

Some CUPAs directly enter RCRA LQG data into Cal/EPA's database (Unified Program Data System or UPDS) which is uploaded to U.S. EPA's RCRAInfo database. Other CUPAs submit their information to DTSC and DTSC forwards this information to Cal/EPA and U.S. EPA.

E. U.S. EPA ENFORCEMENT REFERRALS

There were no enforcement referrals made to U.S. EPA in FY 2007-08.

F. GENERATOR STRATEGIC PLAN

There was nothing to report.

G. PERIODIC EVALUATIONS OF LOCAL CUPA PROGRAMS

In FY 2007-08, EERP participated in 15 of the 31 scheduled CUPA evaluations. CUPAs were selected for evaluation by DTSC based on inspection and enforcement data submitted by each CUPA, complaints and other concerns expressed by DTSC staff and management, major changes in programs (e.g., change of management staff), and the role of the CUPA in implementing the RCRA LQG program in California. Focus was placed on those agencies that regulate, in their jurisdictions, the majority of the RCRA LQGs in California. The following agencies were evaluated: Counties of San Joaquin, Colusa, Trinity, Butte, Amador, Santa Barbara, Imperial, San Francisco, Napa, Stanislaus, Santa Cruz, San Diego, Fresno, San Luis Obispo, and Cities of Livermore/Pleasanton and Healdsburg/Sebastopol. Of these fifteen CUPAs, three (Fresno, San Diego, and San Joaquin) regulate more than twenty RCRA LQGs in their jurisdictions.

As in past years, all evaluations resulted in the issuance of a Summary of Findings at the end of each evaluation, with all identified deficiencies being responded to by the CUPA on a quarterly basis until the evaluating agency believes that the documentation is sufficient to demonstrate that the deficiency has been corrected. During FY 2007-08, the most common deficiencies noted were: not meeting stated inspection frequencies (8 instances), failure to adequately report data (6 instances), failure to complete oversight inspection (9 instances), failure to confirm if facility had returned to compliance (9 instances), failure to properly classify violations (9 instances), and not having a plan to address Universal Waste handling and handlers (3 instances). The most common recommendations for improvement were in the following areas: poor

documentation of non-violation information in inspection reports (14 instances), documentation of complaint response (5 instances), and differences noted between HWTS and CUPA counts of number of regulated facilities (5 instances).

III. COMPLAINT INVESTIGATIONS

DTSC received 865 formal complaints during the period covering July 1, 2007, through June 30, 2008, for incorporation into the complaint log. The complaint triage resulted into the following actions:

ACTION	Northern California	Southern California	Total
Referred to CUPA	314	225	539
Referred to Local Enf. Agencies	2	70	72
Referred to EPA	0	4	4
Referred to Other State Agencies	7	16	23
Investigated/Under Investigation by EERP	20	74	94
Evaluated w/No Further Action/Pending	58	13	71
Referred to other DTSC Programs:			
Permitting	0	2	2
OCI	39	15	54
Site Mitigation	1	2	3
GISS	0	2	2
Tiered Permit. Corrective Action Branch	0	1	1
TOTAL Complaints Received	441	424	865

IV. ENFORCEMENT ACTIVITIES

A. Formal Enforcement

Between July 1, 2007, and June 30, 2008, EERP initiated formal enforcement actions (settled cases, unilateral orders issued, or complaints filed) in 42 cases. EERP settled 41 of the 42 cases through civil or administrative action, resulting in fines and penalties totaling \$3,227,044.

There are an additional 4 cases where enforcement action has been initiated but are not listed in the table below. EERP sent 1 draft Consent Order to alleged violators, and made 3 formal enforcement referrals to the California Office of the Attorney General. Negotiations for these cases are in progress.

The following table identifies each of the formal enforcement cases where EERP took action. Specific narratives for each case are found in Appendix B.

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
Acquisition Scrap Metal	11/30/07	None	a. 02/27/08	89	\$10,500
Advanced Environmental	06/04/07	CAT080025711	a. 03/14/08	284	\$7,500
Alberto Culver dba St. Ives Laboratories	05/16/03	CAR000047159	a. 05/29/08 e. 05/07/08	1818	\$25,000
All Metals, Inc. dba ECS Refining	05/20/03	CAD003963592	a. 10/30/07 c. 12/15/06	1278	\$16,520
Ancon Marine, Inc.	08/08/07	CAD080737068	a. 04/29/08 e. 01/08/08	153	\$14,560
Aviation Equipment Inc.	03/14/06	CAR000046433	a. 06/17/08 b. 07/13/06 d. 06/13/08	121	\$170,000
Avibank Manufacturing	05/11/07	CAR000016428	a. 11/06/07	179	\$8,060
BSI Electronics Recyclers	04/03/07	CFI000000028	a. 12/18/07 e. 11/01/07	212	\$17,000
Ben's Truck & Equipment	03/10/07	CAD055559678	a. 02/26/08 e. 12/20/07	285	\$14,000
Bergman Transportation Inc.	11/08/06	AZR000003613	a. 09/17/07 c. 02/02/07 e. 01/04/07	57	\$8,000
Chevron USA, INC, El Segundo Refinery	n/a	CAD008336901	a. 04/11/08	n/a	\$17,727
Chico Drain Oil Service	08/23/06	CAD980694103	a. 9/5/07	378	\$14,000
City of Glendale Public Works Department	12/06/06	CFI000000002	a. 08/08/07 e. 07/24/07	230	\$13,000
City of Watsonville	11/13/06	CAL000107652	a. 09/11/07	302	\$3,500
Clean Harbors, Irwindale	11/14/07	CAL000113451	a. 06/12/08	211	\$13,000
Clean Harbors	n/a	CAD982439895	a. 08/10/07	n/a	0
ConocoPhillips Company	12/19/07	CAD980881676	a. 04/30/08	132	\$2,500
Cummings Transportation	03/21/07	CAD981435621	a. 10/04/07	562	\$6,000
E-Recycling, of California	10/18/06 10/25/06	CAL000276332	a. 11/08/07	386	\$28,000
Evergreen Oil	06/13/07	CAD980887418	a. 06/24/08 e. 04/21/08	313	\$8,000
Ewaste Center Incorporated	04/18/07	CAR000169094	a. 08/16/07 e. 07/13/07	86	\$12,500

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
Federal Aviation Administration	01/05/06	CAL000215010	a. 12/18/07 e. 01/05/07	365	\$7,000
Firing-Line/Shooting Range	01/20/04 02/03/04	CAD982402000 CAD982501025	a. 11/6/07 b. 04/11/06 e. 10/25/07	812	\$60,000
Gardena Specialized Processing	11/15/05	CAD981384837	a. 02/20/08 e. 06/11/07	572	\$250,000
Golden Natural Company	10/26/07	CAL000179583	a. 05/16/08	203	\$12,500
Heraeus Metal Processing	03/19/07	CAD060398229	a. 08/28/07	162	\$21,000
Hi Tech Trucking	04/17/07	CAL000296737	a. 10/12/07	178	\$7,500
Industrial Waste Utilization	04/20/06	CAD980585293	a. 07/09/07 e. 12/28/07	252	\$18,040
Intechra	04/23/07	CAL000268784	a. 06/02/08	426	\$45,000
J&B Enterprises	02/25/05	CAD982052797	a. 01/11/08 c. 11/09/07	1053	\$42,700
KYO Computers	08/22/06	CAL000294519	a. 07/30/07 b. 08/17/07	360	\$15,000
Kyocera America Inc.	5/19/03; 10/16/03; 06/28/05	CAD047896097	b. 09/02/04 d. 09/13/07	472	0
L-3 Communications	07/18/03	CAD056160636	a. 10/18/07	1553	\$27,500
Mare Island Naval Shipyard	02/24/03	CA7170024775	a. 03/05/08	1835	0
Motores El Flaco (MEF)	11/30/07	None	a. 04/02/08	124	\$8,000
Omohundro	06/25/07	CAL000263029	a. 03/21/08	270	\$6,590
PCA Industries	08/24/05	CAD038632522	a. 07/02/07 e. 05/15/07	677	\$35,000
Phibro-Tech	04/14/03	CAD008488025	a. 07/30/07 b. 02/29/05 e. 04/26/05	743	\$151,275
Philip West Industrial Services	03/26/07	CAR000146837	a. 08/03/07 e. 07/11/07	107	\$9,440
Precision Works	03/11/03	CAD150823508	a. 11/14/07 b. 02/14/05 c. 04/03/07	706	\$72,732
RBC Transport Dynamics	03/07/07	CAD046057063	a. 09/04/07	177	\$10,500
Rho-Chem	06/26/07	CAD008354432	a. 06/06/08	346	\$17,000
Romic Environmental Technologies, E. Palo Alto	05/25/05	CAD009452657	a. 08/29/07 c. 05/30/07	735	0

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
S&W Atlas Iron & Metals	04/25/03	CAD981460116	a. 04/03/08 b. 12/18/03 c. 11/26/03 d. 06/16/04 e. 12/01/06	215	\$650,000
Sakin Metals	10/30/03	CAD982042483	a. 05/2/08 b. 04/11/06 e. 04/09/08	894	\$35,000
Samex Environmental Services, Inc. #1	03/01/06	CAR000113324	a. 08/10/07 c. 01/25/07 e. 11/16/06	260	\$2,000
Samex Environmental Services, Inc. #2	08/08/06	CAR000113324	a. 08/10/07 c. 01/25/07 e. 11/16/06	100	\$21,000
San Diego Gas & Electric	09/20/06	CAD980636682	a. 12/18/07	454	\$20,000
Santa Ana Plating	06/23/04	CAD981370836	a. 09/14/07 b. 08/15/05 d. 08/07/07	418	\$160,000
Shell Martinez Refinery	10/24/07	CAD009164021	a. 02/11/08 e. 01/22/08	141	\$2,000
Siemens Water Technologies	06/04/07	CAD097030993	a. 05/01/08	332	\$13,000
Taormina Industries, LLC	03/27/07	CAD981378201	a. 10/12/07 e. 08/10/07	136	9,900
Trident Plating, Inc.	10/26/04 10/04/06 10/10/06 11/30/06 01/11/07	CAR000083865	a. 03/07/08 b. 02/16/05 d. 03/16/06 e. 06/13/05	113	\$285,000
United Air Lines Maintenance Operation Center	10/18/06	CAD041319294	a. 11/01/07 b. 05/11/07 e. 09/27/07	205	\$85,000
West Contra Costa Sanitary Landfill (Complaint)	01/15/06	CAD041844002	a. 09/26/07 c. 02/02/06	622	\$725,000
Number of Cases Settled: 55			Total Settlement: \$3,234,044		

B. Compliance Indicators
Nothing to report.

C. Other Enforcement Activities:

2-Lopez Trucking Company, Newark, (Alameda County), No EPA Id.

Number (Assist/Complaint). Responding to a request from the Santa Clara County District Attorney in October 2006, DTSC staff sampled soil in a truck impounded by the California Highway Patrol. The truck was operated by the 2-Lopez Trucking Company. Analysis of the soil and investigation of the Trucking Company confirmed CHP's and the District Attorney's suspicions that soil was hazardous and that 2-Lopez Trucking Company was not authorized to haul hazardous soil. CHP impounded the truck at its Gilroy weigh station after it stopped on a grade nearby. The truck was over-loaded and had apparently used city streets to find a way around the weigh station. CHP informed DTSC in December 2007 that the defendant in the 2-Lopez Trucking case pled guilty to misdemeanor violations of the California Health and Safety and Vehicle Codes.

Bridgemark Corporation, Kettleman, (Kings County), No EPA Id. Number

(Complaint). A farmer notified local health officials that Bridgemark Corporation's crude oil and natural gas production facility in Kings County had discharged crude oil on July 1, 2004, and November 8, 2004, without authorization. The discharged oil passed into irrigation canals adjacent to the production facility. Bridgemark never notified Kings County officials or state agencies about the unauthorized releases. The Kings County District Attorney alleged that the discharged crude oil passed into the Kings River. Additionally, there was an unauthorized release of hazardous waste to soil at the production facility as determined by site investigations by Kings County, Department of Fish and Game, and DTSC. On February 22, 2008, the Kings County District Attorney and Bridgemark reached a settlement of violations resulting from the unauthorized discharges – the Stipulated Judgment For Civil Penalties and Other Relief provides \$21,000 in penalties and \$5,000 in costs to DTSC. It also provides costs and penalties to Fish and Game and Kings County. Additionally, Bridgemark was required to remove contaminated soil at their production facility.

Chatsworth Park South, City of Los Angeles, (Los Angeles County), No

EPA Id Number (complaint). On February 7, 2008, DTSC staff responded to a complaint that areas of Chatsworth Park South had formerly been used as a skeet shooting range. In the exposed dirt areas of the grass field, clay pigeon fragments, shot shell hulls, and lead pellets were observed. In a boulder strewn area north of the grass field, large amounts of lead shot was observed on the ground. Children were playing in both areas. Soil sample analysis results ranged from 140 ppm to 56,000 ppm for lead. EERP notified the Los Angeles City Parks and Recreation Department of the findings, and the park was closed indefinitely. EERP referred the cleanup to the Site Mitigation Voluntary Cleanup Program, and will coordinate with Los Angeles City Site Mitigation staff.

Guadalupe Oil Field Restoration Project, City of Guadalupe, (San Luis Obispo County). On December 11, 2007, DTSC staff participated with Chevron in the collection of five split samples from the TB-8 stockpile at this RWQCB-lead clean-up site. The sampling was done in response to a September 28, 2006, letter U.S. EPA received from Senator Feinstein's Office regarding the transfer of contaminated soil from the Guadalupe Oil Field restoration site to the Class III Santa Maria Landfill for use as structural material. The TB-8 stockpile has been generated as a result of clean-up operations at the Guadalupe site and consists of approximately 350,000 cubic yards of diluent contaminated sand. The diluent was used in historic oilfield operations. Due to the sensitive ecological factors at the site, a decision was made not to reuse the treated sand on-site. The RWQCB has acceptance criteria for this soil as a part of their Non-Hazardous Impacted Soil Program. After examining the results from extensive sampling overseen by the RWQCB and analyzing the additional samples for aquatic toxicity and total petroleum hydrocarbons, DTSC determined that the contaminated soil being transferred from the TB-8 Stockpile to the Santa Maria Landfill is non-hazardous. DTSC informed Senator Feinstein's office of the results in a letter dated March 25, 2008.

Home Depot #1059, City of El Centro, (Imperial County): CAL000261486. On October 2, 2007, the Judge of the Los Angeles County Superior Court signed the Permanent Injunction and Final Judgment Order (Judgment). The Judgment resolves the violations observed during the DTSC non-CUPA generator inspection of the facility on December 8, 2004, as well as violations observed by other DTSC staff and other state and local agencies. The facility agreed to a payment of \$9.9 million for all the statewide violations, of which \$7.25 million will be civil penalties, \$1.3 million will be partial recovery of costs, and \$1.35 million will be applied to supplemental environmental projects. In addition, the facility provided funds for various environmental training programs. Of the \$9.9 million settlement, DTSC was allocated \$250,000 in civil penalties and \$118,000 as partial recovery of costs. The payment due to DTSC was received in December 2007. The DTSC case was included in a statewide enforcement action against the facility, where the AG and the District Attorney (DA) of San Joaquin County joined with the DAs' offices in Los Angeles, Riverside, Monterey, and Santa Clara Counties, and with the City Attorney of LA, to coordinate the investigation of the facility. The case was referred to the AG on September 8, 2005, by the Office of Legal Affairs. The violations involved use of a non-registered hauler to transport hazardous wastes, failure to separate incompatible waste streams, and manifest requirements. The statewide investigations focused on violations of state and municipal laws regarding illegal storage, treatment, transportation, and disposal of hazardous wastes, as well as compliance with fire code and hazardous materials management plan requirements for each Home Depot store and facility in California. The facility is a hardware, house construction and repair material retail store, and generates various types of hazardous wastes.

Lawson Dump, Torres Martinez Indian Reservation - Thermal, (Riverside County). On November 15, 2007, U.S. EPA Region IX announced the enforcement settlement against Kim Lawson, Lawson Enterprises, and Torlaw Realty. EERP staff assisted U.S. EPA in this case by providing sampling and photographic evidence support. Specifically, staff identified the disposal and incineration of RCRA hazardous treated wood waste (copper chromium arsenic-treated grape stakes), and lead acid batteries at the Lawson dump. In addition, staff conducted aerial surveillance and photo documentation of the Lawson dump site, and other illegal dump sites in the Torres Martinez Reservation, as a resource for the Torres Martinez Solid Waste Collaborative. The settlement requires the parties to pay \$42.8 million in cleanup costs, and \$2.3 million in civil penalties for operating illegal dumps within the Torres Martinez Indian Reservation.

Pacoima Auto Dismantler Initiative (Los Angeles County). U.S. EPA has conducted a Targeted Brownfields Assessment and area-wide Phase I Environmental Site Assessment of 25 properties in the Pacoima District of Los Angeles. The community action group Pacoima Beautiful requested U.S. EPA's assistance in conducting these studies to evaluate the impact of these properties on residential areas. The Pacoima Auto Dismantler Initiative supports the work done to date by U.S. EPA.

On March 25, 2008, EERP staff met with Pacoima Beautiful members to discuss the Pacoima Auto Dismantler Initiative. A list was prepared of approximately 100 auto dismantlers in the Pacoima and Sun Valley areas. Information was gathered about the companies, including hazardous waste tracking system (HWTS) generator profiles and manifest data. Auto dismantling activities generate hazardous waste; however, HWTS has manifests for only a few of the companies on the list. Pacoima Beautiful is preparing baseline information on all the companies identified. Meeting participants discussed educational/outreach proposals to inform the auto dismantlers of regulatory requirements. The goal is to get the companies into compliance to lessen the impacts they have on the surrounding residential areas.

Romic Environmental Technologies, Inc., City of East Palo Alto, (San Mateo County): CAD009452657. DTSC issued a Notice of Quarantine to Romic Environmental Technologies, Inc., on August 2, 2007, to secure 14 containers that were involved in the August 1, 2007, incident in which a container ignited while a Romic employee was preparing to open the container for sampling. The container was one of 12 containers received by Romic from Ultra Pure Solutions, Inc., in Castroville, and all of which reportedly-contained an acetone – isopropanol mixture, a waste flammable liquid. Container 13 was quarantined because this container received the contents from the container that ignited. The remaining container, which was empty, was included in the quarantine because it had been stored within close proximity to the 12 waste flammable liquid containers. After container sampling was completed on

August 23, 2007, Romic was released from the requirements of the Notice of Quarantine on August 27, 2007.

D. OFFICE OF CRIMINAL INVESTIGATIONS

The Office of Criminal Investigations (OCI) completed a total of 220 investigations that included 109 enforcement investigations (those for which OCI has lead responsibility) and led to a total of 38 referrals to criminal prosecutors [a DA or the U.S. Attorney], one referral to the Office of the Attorney General (AG) and one referral to DTSC's Office of Legal Affairs. The 220 completed investigations also include 73 Toxic Assists (assistance to a regulatory or law enforcement entity), 25 Prosecutor Assists (assistance to a prosecuting entity, such as a DA's office or the U.S. Attorney), and 13 Internal Investigations.

OCI also conducted one sting operation in Northern California resulting in eight cases being referred to the DA's office. Five cases are still pending and five arrests were made.

Forty six cases that OCI had previously referred were resolved. A summary of the resolved cases is found in Appendix F.

The Task Force Investigation Support Branch's functions have been transferred to OCI. OCI staff supported more than 41 local task forces by attending 143 monthly meetings, including federal task forces, and providing sampling and technical advice.

Sting Operation:

The devastating Angora fire in the Lake Tahoe region in late June 2007 destroyed more than 240 homes and burned some 3,100 acres of land. Embers in the Angora fire region were still cooling when investigators from DTSC's EERP arrived to help safeguard residents, workers, and other government personnel from hazardous materials that were exposed and made potentially volatile amid the rubble. DTSC ensured that certified contractors analyzed the metals content of the remaining ash at home sites and oversaw the safe removal of household hazardous materials.

DTSC's Office of Criminal Investigations also coordinated a sting in the aftermath of the fire with the El Dorado County District Attorney's Office and the El Dorado County Sheriff's Department. Officials anticipated unscrupulous activity by scam artists who would try to exploit the misery of fire victims and illegally transport and dispose of hazardous waste. Eight people were detained and five arrested for illegal transportation of asbestos. They were unlicensed and yet had taken for transport bags of asbestos, which were clearly labeled and warned of potential cancer and lung disease from the waste. Seven defendants plead guilty to charges stemming from this very successful operation.

E. PORT OF ENTRY (Import and Export of Hazardous Waste)

During FY 2007-08, EERP received 84 import notifications, and 27 export notifications for the Port of Entry (POE) program. Data from the notifications and reports are continuously being entered into the POE database. No POE inspections were conducted.

Emphasis was placed on tracking imported and exported wastes. Import notices were reviewed and the receiving California facilities were checked to assure that they were permitted to accept the wastes in question. Information identifying the types and volumes of wastes imported and exported, and the companies that import and export hazardous wastes, were retained.

F. MANIFEST ENFORCEMENT COORDINATION

None to report.

G. OTHER ACTIVITIES

1. Permit Renewal Team Coordination:

Sacramento and Chatsworth EERP staff continued to participate in DTSC's Permit Renewal Team (PRT). Participation included: reviewing draft permits and pertinent portions of the Part B applications to ensure enforceability by DTSC; coordinating those reviews and providing suggestions for improving the quality of the permits; and making presentations to the PRT on common problems found in permits. The following RCRA permits were reviewed:

- Clean Harbors Environmental, Los Angeles County, (CAD050806850)
- IT Environmental Liquidating Trust (ITELT) Montezuma, Solano County, (CAD079089512)
- ITELT Benson Ridge, Lake County, (CAD000633289)
- Lawrence Livermore National Laboratory, Site 300, Alameda County (CA2890090002)
- Pacific Resources and Recovery Service, Los Angeles County, (CAD008252405)
- Rho-Chem, Los Angeles County, (CAD008364432)
- Travis Air Force Base, Solano County (CA5570024575)
- Safety Kleen El Monte, Los Angeles County, (CAT000613893)
- West County Landfill, Inc., Contra Costa County, (CAD041844002)

and the following Used Oil Transfer Facilities (Standardized Permits) were reviewed:

- Advanced Environmental, San Bernardino County, (CAT080025711)
- American Oil, Los Angeles County, (CAD981427669)
- Asbury Oil, Butte County, (CAL000827844)
- Bakersfield Transfer, Kern County, (CAL000282598)
- Bayside Oil II, Santa Cruz County, (CAD088838222)
- Cranes Waste Oil, Kern County, (CAD980813950)
- D/K Dixon, Solano County, (CAT080012602)
- Evergreen Environmental Services, Santa Barbara County, (CAD982446858)
- San Joaquin Filter Recycling, Fresno County, (CAL000102751)

2. TOXICS IN CONSUMER PRODUCTS TEAM:

Formed in October 2007, the goal of the Toxics in Consumer Products Team is to establish an all-encompassing strategy for the implementation and enforcement of all regulated consumer products and other requirements within DTSC's purview, and to ensure effective internal and external communication and coordination with affected programs and stakeholders as new products become subject to regulation.

Currently, DTSC has regulatory authority over the following consumer products:

- Toxics in Packaging
- Lead in Jewelry
- Restriction of Hazardous Substances (RoHS) in Covered Electronic Devices
- Mercury-Added Products (i.e., thermostats, relays, switches, and measuring devices)
- Prohibited Chemical Toilet Additives
- Lighting Efficiency and Toxics Reduction Act (AB1109)

a. Toxics in Packaging

The Toxics in Packaging Prevention Act created by Assembly Bill (AB) 455 (Chu, Chapter 679, Statutes of 2003 and amended the following year) targets four heavy metals (lead, mercury, cadmium, and hexavalent chromium) all of which present serious health risks at relatively low

concentrations. The Toxics in Packaging Prevention Act prohibits, with some exceptions, the sale of any package or packaging component, or any product in a package, that includes: (i) any amount of intentionally introduced lead, mercury, cadmium, or hexavalent chromium (referred to as "regulated metals"); or (ii) more than 100 parts per million of these metals incidentally present in the package or packaging component. Exemptions are allowed, but must be approved by DTSC.

Manufacturers and suppliers are required to furnish a certificate of compliance to the purchaser of a package or packaging component. A copy of the certificate must be retained by the manufacturer or supplier and by the purchaser of the package, and the manufacturer or supplier must provide a copy to DTSC, upon request. Manufacturers and suppliers are subject to criminal, civil, or administrative penalties for violation of the requirements specified above.

During the first quarter of FY 2007-08, DTSC had its first experience with a consumer product issue when reusable grocery bags sold at a Sacramento area grocery store tested high for lead in some components. Because the bags were advertised, sold, and used as a substitute for disposable grocery bags, they fell under the State's Toxics in Packaging Prevention Act (Act) and thus had to meet the law's limits on heavy metals such as lead, cadmium, mercury, and hexavalent chromium. The rapid resolution of this case resulted in more than two million non-compliant grocery bags being removed from the product stream and the development of a more environmentally friendly alternative. DTSC credits much of the success that was achieved in this case to the cooperation which was received from the grocer and its suppliers, who were committed to doing what was necessary to protect public safety and the environment.

In the second and third quarters of FY 2007-08, DTSC implemented its second Toxics in Packaging enforcement initiative. DTSC scientists used x-ray fluorescence equipment to screen 56 children's food packaging products, and identified 5 target packaging components for sampling and follow-up confirmatory analysis. A total of 6 samples of each target were collected from 6 different locations and broken down into their component parts totaling 60 samples that were analyzed for compliance with the specified regulatory thresholds. All samples were found to be in compliance with the Act.

DTSC also participated with the Toxics in Packaging Clearinghouse (TPCH), formed by member states that have laws that follow the Model Toxics in Packaging Legislation. Following up on an initial screening by TPCH, DTSC collected and tested packaging materials from two major retailers which were found to be in non-compliance. As a result of these efforts, approximately 450,000 non-compliant bags have been removed from circulation. DTSC is currently working with the identified retailers and their respective suppliers to further assure compliance.

b. Lead in Jewelry

The Lead-Containing Jewelry statutes were established by AB 1681 (Pavley, Chapter 415, Statutes of 2006) and set allowable limits of lead in jewelry and substantially reduce or eliminate exposure to lead and the harmful health effects that it can cause, especially to children in their formative years.

In June 2004, the Attorney General filed a lawsuit against several California-based retailers alleging they violated Proposition 65 by failing to warn consumers about the health risks of exposure to the lead contained in certain jewelry they were offering for sale. Testing by the State demonstrated high levels of lead in both the metallic and nonmetallic components of the jewelry targeted in the case. The amounts were well above the level that triggers the requirement to provide a Proposition 65 warning to consumers. A settlement of the Proposition 65 lawsuit in the form of a Consent Judgment was reached in January 2006. Entities that have entered into the Consent Judgment or that do so in the future are not subject to DTSC's enforcement action for violations of the Lead in Jewelry Act, but such cases are transferred to the Attorney General for further handling pursuant to the Consent Judgment. All other entities are subject to civil penalties only.

During the first quarter of FY 2007-08, DTSC investigators purchased more than 600 pieces of children's jewelry from a broad cross-section of California stores. Laboratory results on jewelry tested thus far has found that nearly 20% of the children's jewelry items have higher lead content than the law allows. In one example, a children's jewelry pendant purchased out of a vending machine at a restaurant in Oakland was determined to contain 368,000 parts per million of lead – 613 times more than what the law allows.

On December 12, 2007, DTSC issued a press release that included a list of 16 children's jewelry items found in recent investigations to contain excessive lead levels. DTSC has notified the owners of stores inspected and urged them to immediately remove items identified with high lead levels from their store shelves. Retailers are being cooperative and are working with DTSC officials to identify distributors to ensure items do not end up back in stores.

3. Focused Industry Pollution Prevention Team:

Sacramento and Chatsworth EERP staff participated in the following two Focused Industry Pollution Prevention Teams: Electric Utilities and Metal Finishing Facilities. Letters were sent to targeted facilities informing them of the project, and requesting they submit copies of their 2006 Summary Progress Reports. Staff reviewed these plans. Staff conducted on-line

research and attended meetings related to specific sectors to gather background information about the sectors, and to identify specific pollution prevention alternatives. A second call-in letter requesting the 2006 SB 14 plans, and performance reports, was sent to the facilities. Staff conducted site visits to evaluate activities at specific facilities and offer pollution prevention alternatives and assistance. More visits are planned. The Metal Finishing Facilities Team is extending the project from job shops to include captive shops as well. Visits are coordinated with CUPAs with facility specific information, and with Office of Pollution Prevention OPPGT staff with additional pollution prevention expertise.

4. DTSC is the CUPA in Imperial and Trinity Counties:

See Appendix C.

V. DATA ENTRY, MANAGEMENT & REPORTING

Data Entry and Management

During FY 2007/08, several problems continued to confront DTSC regarding data translation from the Inspections, Complaints, and Enforcement (ICE) Data System to RCRAInfo. Those problems include: linking multiple inspections and violations at a single facility to a single enforcement series; linking multiple inspections and violations at multiple facilities to a single enforcement series; and, the conversion of ICE complaint enforcement data to RCRAInfo compatibility.

The DTSC 100 enforcement type was created to link multiple inspections at a single facility to a single enforcement action or series of actions. This State-defined enforcement type was converted to 103 because the 100 number was already in use by another agency using RCRAInfo. DTSC staff determined that an affirmative connection was needed between the inspection with the associated enforcement action and all subsequent inspections of the same facility whose violations were to be included in the enforcement associated with the first inspection. The method chosen to make this connection was to call all subsequent inspections to the first inspection follow-up inspections. The follow-up inspection will have the date of the first inspection included in the record.

The data for these violations and enforcements can then be linked by a programmer when the flat files are created for upload to RCRAInfo. OEIM staff completed programming to record the “previous date of inspection” for these follow-up inspections as part of the conversion of ICE to be consistent with RCRAInfo Version 3.

The methodology discussed above will reduce the number of Compliance Evaluation Inspections (CEI) reported to U.S. EPA each year based on how many inspections with violations are linked to a prior existing case which has not been resolved by the time of the second or subsequent inspections of the same facility occur. This process has yet to be implemented. DTSC staff will have to create a flat file that will include the data

required to associate these inspections with the enforcement linked to the original inspection. This process could be developed during the first quarter of the next fiscal year.

The 102 enforcement type was created to link multiple inspections at multiple facilities to a single enforcement action or series of actions. U.S. EPA and DTSC staff met and discussed this issue and determined that DTSC can use the RCRAInfo Super CAFO process to record these violations and enforcements in RCRAInfo if the enforcement is by an administrative order. Since DTSC usually refers multiple facility cases to the Office of the Attorney General, we have not yet determined if this can be used for this process. DTSC staff and U.S. EPA staff need to meet and discuss a resolution to this situation.

This use of the federal Super CA/FO process would require a DTSC staff person (the ICE System Administrator) to enter the first Super CAFO code for each multi-facility enforcement action and record the RCRAInfo system generated unique Super CAFO number for that enforcement group. This number would then have to be entered into each enforcement record for the related facilities covered by the Super CAFO settlement. DTSC and U.S. EPA should resolve this issue during the first quarter of the next fiscal year so that the solution can be included in any system reprogramming.

DTSC has applied for and been awarded a National Environmental Information Exchange Network (NEIEN) grant. This grant will be used to enable translation of ICE data to the RCRAInfo data system through the Central Data Exchange (CDX) in an XML format. This grant process is still in planning and a schedule has not been finalized as to what activities will occur and when those activities will be completed. The feasibility evaluation of reprogramming the ICE data system through the EcoInteractive software-as-a-service process has delayed the implementation of this grant activity.

During the final quarter of the fiscal year, DTSC management began discussions regarding reprogramming the ICE data system to correct various problems with the data system that have been identified over the last five years. An alternative method of solving these problems was identified. This alternative is to contract for a software-as-a-service solution with EcoInteractive and the conversion of the ICE data system to an EnviroStor product. DTSC staff anticipate that the conversion process will be used to correct the problems noted above as a new data system is designed.

EERP management was scheduled to meet with a representative of EcoInteractive regarding converting ICE data to an EcoInteractive product during the first quarter of FY 2008/09. A draft proposal regarding such conversion was prepared and has been reviewed, and it is anticipated that this conversion activity will be pursued by DTSC over the next fiscal year.

DTSC will continue to provide data uploads via translation of flat files until such time as a new data system is available through a contract with EcoInteractive. At that time, there would be a transition from one data system to its replacement.

DTSC submitted data uploads for RCRAInfo Version 3 to U. S. EPA Region IX on: August 24, 2007; October 17, 2007, March 7, 2008, and June 24, 2008.

VI. MISCELLANEOUS ACTIVITIES

A. COMPLIANCE INCENTIVES—SELF-DISCLOSURES

EERP is in the process of investigating 3 Self-Disclosure Notifications:

- Advanced Cleanup Technologies, Inc., Los Angeles County
- U. S. Naval Base, San Diego County (2 instances)

EERP completed investigating 4 Self-Disclosure Notifications (see Appendix D):

- Chevron Products Company, Los Angeles County
- Conoco Phillips, State of Arizona
- High Tech Trucking, Los Angeles County
- San Diego Gas and Electric, San Diego County

B. COMPLIANCE ASSISTANCE — 30-Day Storage Extension Requests

If RCRA waste must remain onsite for longer than 90 days due to unforeseeable, temporary, and uncontrolled circumstances, a one time extension of up to 30 days may be granted at DTSC's discretion on a case-by-case basis per Title 22, California Code of Regulations, section 66262.34 (c). The extension is granted in writing but an application requesting the extension must first be submitted to DTSC. The State Oversight and Enforcement Branch (SOEB) of EERP has been charged with the responsibility of granting these extensions. In FY 07/08, SOEB received 3 extension requests: 1 was approved, 1 was withdrawn, and 1 was denied because it was submitted after the fact. See Appendix E.

VII. CALIFORNIA MEXICO BORDER PROGRAM

A. COORDINATION AND SUPPORT

On July 2, 2007, DTSC sent a letter to the United States Customs and Border Protection (USCBP), Tecate Port of Entry, Branch Chief. The letter contained a petition for EERP staff to conduct joint inspections with the USCPB personnel assigned at the Tecate Port of Entry. EERP staff had previously met with USCBP Tecate Port of Entry staff on June 28, 2007, to discuss the possibility of conducting joint inspections with them on a bi-weekly basis. The proposed initiative was for EERP staff to perform random inspections of northbound and or southbound shipments at the Tecate Port of Entry. The proposed activity was well received and consent was provided for EERP Border Unit's staff to start the initiative in July 2007.

On August 28, 2007, EERP staff held a meeting with a representative from Cali Resources to discuss the Universal Waste Electronic Device (UWED) and Cathode Ray Tube (CRT) material regulations. The meeting resulted in Cali Resources representatives gaining knowledge of the proper record keeping, employee training, and management of CRTs and UWEDs that should result in higher compliance rates.

On August 28, 2007, EERP staff met at the USCBP facility to discuss the proper manner to import liquid crystal display panels (LCDs). EERP staff explained that the Importer of Record has to make a determination as to whether or not the waste is regulated. If the waste LCD panels are in fact hazardous, the standards apply.

On September 10, 2007, EERP staff hosted a conference call with a representative from Cali Resources to discuss the UWED regulations as they apply to off-specification plasma panels. The conference call resulted in Cali Resources representatives gaining knowledge on the proper regulations for shipping, labeling, packaging, and proper management of UWEDs that should result in higher compliance rates.

On September 20, 2007, EERP staff hosted a meeting with representatives of Environmental Resource Transportation (ERT), an authorized hazardous waste transporter company. The company representatives proposed to collect, transport, and export used oil to Mexico. Mexican law now allows used oil to be burned for energy recovery. Staff provided an overview of the requirements for transportation, notification, placarding, labeling, and manifesting and also discussed with them that a Standardized Permit would be required to conduct this type of activity. EERP staff held a follow up conference call on September 28, 2007, with ERT and DTSC Permitting staff. The meeting was to discuss the process for attaining a standardized permit for a tank-to-tank transfer facility, in conjunction with hazardous waste (used oil) going to Mexico for final disposition.

On September 28, 2007, EERP staff coordinated a conference call with Mr. Ray LeClerc, Mr. Alfred Wong, Permits Team, Mr. Robert Kou, Used Oil Inspections, and Mr. Mukul Agarwal, Port of Entry Program, with ERT. The meeting was to discuss a process for attaining a Standardized Permit for a tank-to-tank transfer facility, in conjunction with hazardous waste (used oil) going to Mexico for final disposition.

On October 1, 2007, EERP staff, Headquarters Waste Evaluation Unit and Transportation Unit staff held a meeting with the attorneys representing Thompson Display Mexicana (TDM). The purpose of the meeting was to discuss the transportation, management, and export requirements of CRTs going from California to Mexico for recycling. TDM, located in Mexicali, Baja California, Mexico, is planning to receive exported CRT materials from the U.S. to their facility for recycling. The received CRTs are crushed and the glass is washed and shipped to Asian countries. The attorneys representing TDM were informed of the DTSC transportation requirements, the packaging, labeling, and storage limits for CRTs, and the export notifications required by both DTSC and U.S.

EPA. Copies of the CRT transporter and CRT Large Quantity Handler regulations were provided to the attorneys.

On October 10, 2007, EERP staff participated in the California Border Environmental Task Force Meeting that was held at the EDD One Stop Office in Calexico. The meeting serves as a forum for federal, State, and local enforcement agencies to provide updates on their activities. U.S. EPA provided updates on grants, training activities, and abandoned site cleanups that are being conducted south of the border. EERP staff presented a summary of initiatives at the Tecate Port of Entry, the proposed training in the State of Sonora on CUPA implementation lessons learned, and our continuing offering of trainings on hazardous waste, pollution prevention, and universal waste.

On October 11, 2007, EERP staff participated in the Border 2012 Joint California/Baja California Waste and Enforcement Task Force, and Imperial County/Mexicali Emergency Preparedness Task Force Meeting that was held at the EDD One Stop Office in Calexico. This meeting combined the Emergency Preparedness Task Force and the Binational Enforcement Task Force Meetings into one. The first part was a public session that was recorded. The meeting serves as a forum for federal, State, and local enforcement agencies from both sides of the California/Mexico border to provide updates on their activities. U.S.EPA provided updates on grants, training activities, and abandoned site cleanups that are being conducted south of the border. EERP staff presented a summary of initiatives at the Tecate Port of Entry, the proposed training in the State of Sonora on CUPA implementation lessons learned, and our continuing offering of trainings on hazardous waste, pollution prevention, and universal waste. The Office of Pollution Prevention provided an update on their activities and highlighted the Green Chemistry activities.

On October 17, 2007, EERP staff held a phone conference with a representative from Jack Engle. Jack Engle, a metal recycler located in Los Angeles, imports metal scrap from Mexico. The purpose of the meeting was to discuss the importation, management, and transportation requirements of zinc fines/scrap coming from Mexico.

On October 26, 2007, EERP staff met with a representative from the Procuraduría Federal de Protección al Ambiente (PROFEPA) at the Calexico CUPA office. PROFEPA's Mr. Jesus Jimenez Payan attended this meeting and agreed to the following: PROFEPA is to provide relevant training materials similar to those being presented by EERP staff for the participants in Baja California. The trainings were to be provided on January 8-9, 2008, in Ensenada, Baja California, January 15-16, 2008, in Mexicali, Baja California, and January 22-23, 2008, in Tijuana, Baja California. The purpose of the trainings was to become familiar with both Mexican and California standards for the management of hazardous waste and electronic waste streams.

On October 31, 2007, EERP staff reviewed the DTSC Handler Notification Form and provided comments to TDM. Additionally, the California Integrated Waste

Management Board Collector Form was provided to TDM. On October 25, 2007, EERP staff held a conference call meeting with Ms. Yuridia Tovar, attorney representing TDM. The purpose of the meeting was to discuss the completion of the DTSC Form 1388 and the requirements to become a CRT and Universal Waste Electronic Devices Handler in California. Thompson Display of America (TDA), the Handler, will export CRTs to TDM. TDM will process the CRT materials received from the U.S. and eventually ship the broken glass to Asian countries.

On November 14, 2007, EERP staff met with Ms. Bertha Hernandez and Mr. Paul Ganster from the San Diego State University Foundation. The purpose of the meeting was to discuss the logistics and preparation of the trainings that will be provided January 2008 and May 2008 in Baja California and Sonora, Mexico.

On January 16-17, 2008, EERP staff participated in the Border 2012 Joint California/Baja California Waste and Enforcement Task Force, and Imperial County/Mexicali Emergency Preparedness Task Force Meeting. This meeting combined the Emergency Preparedness Task Force and the Binational Enforcement Task Force Meetings into one. The first part was a public session that was recorded. The meeting serves as a forum for federal, State and local enforcement agencies from both sides of the California/Mexico border to provide updates on their activities. U.S.EPA provided updates on grants, training activities and abandoned site cleanups that are being conducted south of the border. EERP staff presented a summary of our initiatives at the Tecate Port of Entry, the proposed training in the State of Sonora on CUPA implementation lessons learned, and our continuing offering of trainings on hazardous waste, pollution prevention and universal waste.

On February 11, 2008, EERP staff met with a representative from the PROFEPA at the Calexico CUPA office. PROFEPA's Jesus Jimenez Payan attended this meeting. The purpose of the meeting was to discuss and schedule the Border trainings for Baja California that are to be provided this fiscal year. Tentative dates were selected. PROFEPA is to provide relevant training materials similar to those being presented by EERP staff for the participants in Baja California. The trainings are to be provided in Tijuana, Mexicali, and Ensenada, Baja California. The themes of the trainings are to become familiar with both Mexican and California standards for the management of hazardous waste and electronic waste streams.

On March 13, 2008, EERP staff hosted a meeting with the attorneys representing TDM. The purpose of the meeting was to discuss the transportation, management and export requirements of CRTs going from California to Mexico for recycling. The attorneys representing TDM were informed of the DTSC transportation requirements, the packaging, labeling and storage limits for CRTs, and the export notifications required by both DTSC and U.S. EPA.

On March 18, 2008, EERP staff and USCBP officers provided a tour of the USCBP Otay Mesa Hazardous Materials facility to Cal/EPA and DTSC staff.

EERP staff provided an overview of the inspection process for shipments of American Products Returned, hazardous waste, and hazardous materials imported from Mexico. Additionally, EERP staff submitted a draft of the Memorandum of Understanding (MOU) between DTSC and USCBP to USCBP Management.

On March 26, 2008, EERP staff attended a meeting with personnel from the U.S.EPA and USCBP. The purpose of the meeting was to explain the process for border truck stop inspections and to discuss potential problems during inspections and data collection.

On March 27, 2008, EERP staff held a conference call with Mr. Jesus Jimenez Payan of PROFEPA and Dr. Paul Ganster from San Diego State University Foundation. The purpose of the call was to discuss and schedule the Border trainings for Baja California that are to be provided this fiscal year. Tentative dates were selected. PROFEPA staff will provide relevant training materials similar to those being presented by EERP staff for the participants in Baja California.

On April 3, 2008, EERP staff held a conference call with Mr. Jesus Jimenez Payan and Ms. Elsa Saxod from San Diego State University Foundation. The purpose of the conference call was to discuss and clarify the tentative schedule for the Border trainings to be provided in Baja California.

On April 4, 2008, EERP staff attended a meeting with Mr. Carlos Bejar, Hazardous Materials Consultant, to discuss the geophysics training that will be provided to Mexican Authorities in June.

On April 8, 2008, EERP staff attended a meeting with Mr. Carlos Bejar and Ms. Elsa R. Saxod of SAXOD Enterprises. The purpose of the meeting was to discuss the logistical information for the Border Program trainings to be held in Baja California, Mexico on (tentatively) April and May 2008. Additional meetings will be held to finalize the dates, locations, and types of trainings.

On May 2, 2008, EERP staff was notified by PROFEPA of their request to change the Mexicali training dates due to work conflict. The Mexicali trainings dates were changed from May 6-7 to June 10-11, 2008.

On May 21 and 22 in Ensenada, May 28 and 29 in Tijuana, and June 10 and 11, 2008, in Mexicali, Mexico, EERP staff, SEMARNAT and PROFEPA staff presented trainings. The trainings presented by EERP staff were: An Overview of California Hazardous Waste Management Standards and Pollution Prevention Practices, and The Management of the Electronic and Universal Waste in California. The SEMARNAT and PROFEPA staff presented the new hazardous waste management requirements in Mexico for generators, transporters and TSDFs. The trainings were well received by the various representatives from the industry, university, and local regulatory agencies. Approximately 25 people

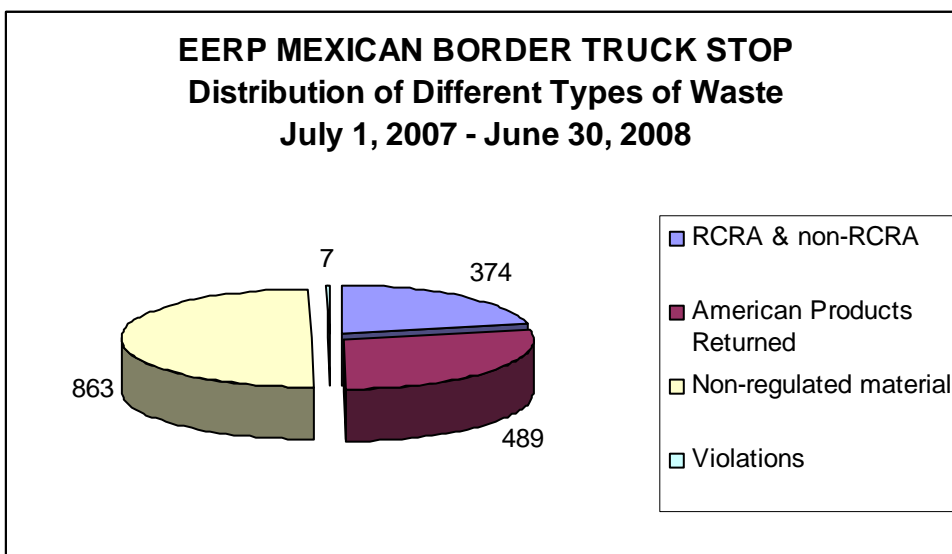
attended this training/workshop in Ensenada, 100 people in Tijuana, and 98 in Mexicali.

B. SURVEILLANCE AND ENFORCEMENT

Between July 1, 2007, and June 30, 2008, EERP staff and USCBP staff conducted border truck stops inspections on a weekly basis at the Otay Mesa and Calexico Ports of Entry (POEs). EERP and USCBP staff also conducted border truck stop inspections on a bi-weekly basis at the Tecate POE. Vehicles used to import hazardous wastes, non-hazardous wastes, and American Products Returned were inspected at the Otay Mesa POE every Tuesday and Wednesday, at the Calexico POE every Friday, and on alternate Fridays at the Tecate POE. The trucks were inspected for compliance with State and Federal hazardous waste regulations and laws. Samples were periodically collected of specific shipments to verify that waste had been properly transported and characterized. Inspection results are as follows:

EERP Mexican Border Truck Stops

	NUMBER OF TRUCKS	VIOLATIONS
RCRA and Non-RCRA	374	7
Non-Regulated Materials/Non-Hazardous Waste	489	0
American Products Returned	863	0
TOTAL	1726	7



On August 14, 2007, EERP staff inspected a load of LCD panels from Sharp America Manufacturing, Inc., that were manifested as scrap. The panels did not have an accompanying waste analysis, nor was it possible to identify their hazardous waste characteristics at the time of crossing. The load could have been considered Universal Waste that was not properly managed under the limited requirements for Universal Wastes. The facility provided documentation for the material being imported and it was determined that the material was not a universal waste or a hazardous waste.

On November 30, 2007, EERP staff conducted a border truck stop inspection of Acquisition Scrap Metals (ASM) at the USCBP, Calexico Port of Entry. ASM is metal recycling company located in Huntington Beach, California, and is listed as the Consignee (Importer of Record) on the USCBP Inward Cargo Manifest Uniform. ASM presented a shipment of "iron steel and scrap" on a flat bed trailer. A closer inspection by USCBP officers and EERP staff showed that the engine blocks contained free used oil which resulted in releases onto the ground. A Summary of Violations was issued to ASM for disposal of used oil to the ground. The shipment was returned to Mexico by USCBP. An enforcement action was pursued and subsequently settled on February 27, 2008.

On January 18, 2008, EERP staff conducted a border truck stop inspection at the USCBP, Calexico Port of Entry. RJR Steel Corporation presented a shipment of twenty 55-gallon drums allegedly holding "steel shot scrap granules" or "sand blast scrap" on a flat bed trailer. The shipment was accompanied by the material safety data sheet for a raw product. However, a closer inspection by USCBP officers and EERP staff showed that the materials in the drums were in fact used sand blast scrap. In addition, the labels attached on the drums were in Spanish. Two of the drums had holes and fissures. Fourteen drums did not have lids. Samples of the waste were collected and submitted to the laboratory. A Summary of Observations was issued to the U.S. Customs House Broker in behalf of RJR. The shipment was returned to Mexico by USCBP. The sample results indicated that California regulatory limits were exceeded for metals. A Summary of Violations was issued to RJR on April 4, 2008.

On January 22, 2008, EERP staff conducted a border truck stop inspection of Motores El Flaco (MEF) at the USCBP, Calexico Port of Entry. MEF presented a shipment for export to Mexico of used engines, used transmissions and aluminum scrap on a flat bed trailer. A closer inspection by EERP staff and DTSC CUPA showed that the used engines, and used transmissions contained free used oil, which resulted in releases onto the ground. A Summary of Violations was issued to MEF for the following violations: Storage of used oil without authorization and improperly using hazardous waste containers to transport hazardous waste. The shipment was allowed to proceed south to Mexico by USCBP. An enforcement action was pursued and subsequently settled on April 2, 2008.

On January 22, 2008, EERP staff conducted a border truck stop inspection of Transportes Ibarra at the USCBP, Calexico Port of Entry. Transportes Ibarra

presented a shipment for export to Mexico of used engines and vehicle transmissions on a flat bed trailer. A closer inspection by EERP staff and DTSC CUPA showed that the used engine and transmissions contained free used oil which resulted in releases onto the ground. A Summary of Violations was issued to Transportes Ibarra for the following violations: Storage of used oil without authorization and improperly using hazardous waste containers to transport hazardous waste. The shipment was allowed to proceed south to Mexico by USCBP.

On February 1, 2008, EERP staff conducted a border truck stop at the U.S. Customs and Border Protection Calexico Port of Entry. Teleplan Tecnomex presented a shipment containing eight boxes of "scrap electronic parts" and these boxes were labeled as "scrap electronic parts" and "hazardous material". A closer inspection of these boxes revealed that four boxes contained printed circuit boards with lithium type batteries attached. A Summary of Violations was issued and left with the U.S. Customs broker on behalf of the importer of record for transporting hazardous waste without a uniform hazardous waste manifest.

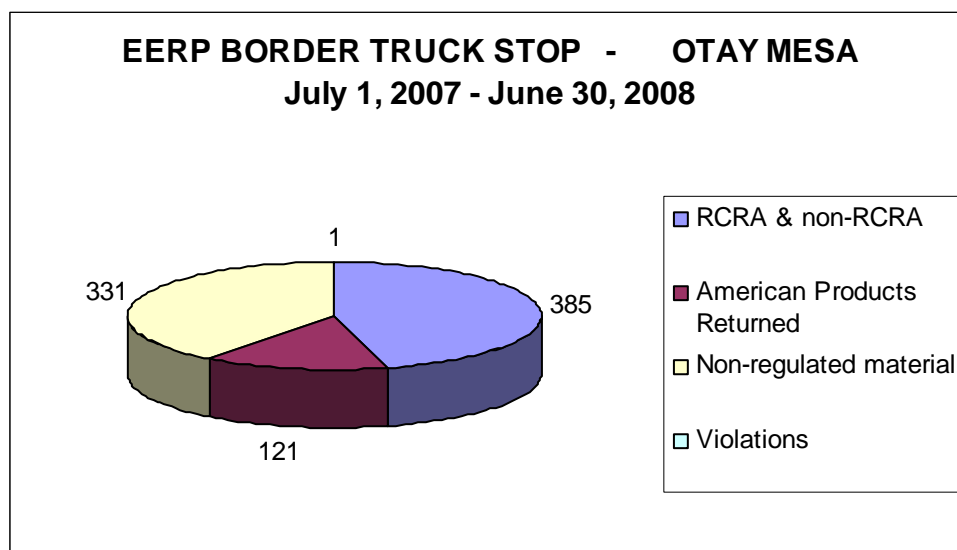
On May 16, 2008, EERP staff conducted a northbound truck stop inspection of Mario Salguero dba Servicios Ecologicos de Proteccion Ambiental (SEPA) at the USCBP, Calexico Port of Entry, Calexico, California. SEPA is a Mexican-owned transportation company not authorized to haul hazardous waste in California. SEPA transported a shipment of 2,381 lbs of solder residue, a California hazardous waste, without a valid registration issued by DTSC. A Summary of Violations was issued to SEPA for transporting hazardous waste without a valid registration issued by DTSC. The shipment was returned to Mexico by USCBP inspectors.

SAN DIEGO COUNTY CONTRACT

Between July 1, 2007, and June 30, 2008, County of San Diego staff and US Customs and Border Patrol staff conducted border truck stops inspections on a weekly basis at the Otay Mesa Port of Entry every Thursday. Vehicles used to import hazardous wastes, non-hazardous wastes, and American Products Returned were inspected for compliance with State and Federal hazardous waste regulations and laws. Samples were periodically collected of specific shipments to verify that waste had been properly transported and characterized. Inspection results are as follows:

COUNTY OF SAN DIEGO MEXICAN BORDER TRUCK STOPS

	NUMBER OF TRUCKS	VIOLATIONS
RCRA and Non-RCRA	385	0
Non-Regulated Materials/Non-Hazardous Waste	331	0
American Products Returned	121	1
TOTAL	837	1



The County of San Diego alleged one violation on August 16, 2007, in that Rho-Chem failed to properly fill out 22 hazardous waste manifests. In particular, the manifests failed to properly identify the first transporter. The 22 manifests were corrected at the Otay Mesa Port of Entry and the shipment was allowed to proceed.

C. BI-NATIONAL SAMPLING EXERCISE

Nothing to report.

D. IMPROVE ENVIRONMENTAL PERFORMANCE AND POLLUTION PREVENTION.

Nothing to report.

APPENDIX A
FINANCIAL RESPONSIBILITY REIMBURSEMENT
ACTIONS OR REQUIREMENT CHANGES

Acme Fill Corporation, Martinez, (Contra Costa County) CAD041835695:

1. On October 23, 2007, a memorandum was received from Standardized Permits and Corrective Action Branch to process the September 8, 2007, correspondence from Acme for post closure activities conducted at Acme during the period of January 1, 2007, through June 30, 2007. A total reimbursement amount of \$332,059.31 was requested. The release request was completed and forwarded to Headquarters for release on October 31, 2007.
2. On February 7, 2008, a memorandum was received from Standardized Permits and Corrective Action Branch to process the November 26, 2007, correspondence from Acme for post closure activities conducted at Acme during the period of July 1, 2007, through September 30, 2007. A total reimbursement amount of \$250,575.36 was requested. The release request was completed and forwarded to Headquarters for release on February 11, 2008.
3. On April 28, 2008, a memorandum from was received Northern California Permitting and Corrective Action Branch to process the February 21, 2008, correspondence from Acme for post closure activities conducted from October 1, 2007, through December 31, 2007. A total reimbursement of \$234,661.60 was requested. The release requested was completed; however, the amount approved for release was reduced by \$5,900 based on the recommendations of Permitting staff. The release request in the amount of \$228,761.60 was forwarded to Headquarters for release on April 30, 2008.
4. On June 16, 2008, a memorandum was received from Hazardous Waste Permitting to process the April 28, 2008, correspondence form Acme for post closure activities conducted from January 1, 2007, through March 31, 2008. A total reimbursement of \$272,447.87 was requested. The release was completed; however, the amount approved for release was reduced by \$12,842.53 based on the recommendations of Permitting staff. The release request in the amount of \$259,605.34 was forwarded to Headquarters for release on June 25, 2008.

ECS Refining, Santa Clara, (Santa Clara County), CAD003963592 (FR release). A release request was received and completed on May 5, 2008, for ECS Refining's Standby Trust Agreement. Per California Code of Regulations, title 22, the Standby Trust is not required with the use of an alternative mechanism.

IT Liquidating Trust, IT Environmental Liquidating Trust: Panoche, Benicia, (Solano County), CAD000060012; Vine Hill Complex, Martinez, (Contra Costa County), CAD982521460; Montezuma Hills, Rio Vista, (Solano County), CAD079089512; Benson Ridge, Kelseyville, (Lake County), CAD000633289.

1. On August 24, 2007, a memorandum was received from Standardized Permits and Corrective Action Branch to process the July 13, 2007, correspondence from IT for post

closure activities conducted at the IT facilities during the period of May 1, 2007, through June 30, 2007. A total reimbursement amount of \$164,479.06 was requested. The release request was completed and was forwarded to Headquarters for release on August 30, 2007.

2. On October 16, 2007, a memorandum was received from Standardized Permits and Corrective Action Branch to process the September 10, 2007, correspondence from IT for post closure activities conducted at the IT facilities during the period of July 1, 2007, through August 31, 2007. A total reimbursement amount of \$47,492.61 was requested. The release request was completed and forwarded to Headquarters for release on October 24, 2007.

3. On January 23, 2008, a memorandum was received from Standardized Permits and Corrective Action Branch to process the November 9, 2007, correspondence from IT for post closure activities conducted at the IT facilities during the period of September 1, 2007, through October 31, 2007. A total reimbursement amount of \$156,324.61 was requested. The release request was completed and forwarded to Headquarters for release on January 25, 2008.

4. On February 13, 2008, a memorandum was received from Standardized Permits and Corrective Action Branch to process the January 11, 2008, correspondence from IT for post closure activities conducted at the IT facilities during the period of November 1, 2007, through December 31, 2007. A total reimbursement amount of \$151,664.97 was requested. The release request was completed and forwarded to Headquarters for release on February 21, 2008.

5. On May 13, 2008, a memorandum was received from Standardized Permits and Corrective Action Branch to process the March 10, 2008, correspondence from IT for post closure activities conducted at the IT facilities during the period of January 1, 2008, through February 29, 2008. A total reimbursement amount of \$159,349.90 was requested. The release request was completed and forwarded to Headquarters for release on May 15, 2008.

6. On June 9, 2008, a memorandum was received from Standardized Permits and Corrective Action Branch to process the May 5, 2008, correspondence from IT for post closure activities conducted at the IT facilities during the period of March 1, 2008, through April 30, 2008. A total reimbursement amount of \$132,450.02 was requested. The release request was completed and forwarded to Headquarters for release on June 18, 2008.

Romic Environmental Technologies, Irwindale, (Los Angeles County), CAL000113451. The review of the release request submitted by Romic Environmental on November 12, 2007, for their Irwindale facility purchased by Clean Harbors Environmental Services in August 2007 was completed. Romic's financial guarantee bond valued at \$85,000 was approved for release on November 20, 2007. A memorandum was forwarded to Headquarters financial responsibility staff directing the release on November 20, 2007.

Romic Environmental Technologies, Redwood City, (San Mateo County), CAD982439895. The review of the release request submitted by Romic Environmental on October 31, 2007, for their Redwood City facility purchased by Clean Harbors in August 2007 was completed. Romic's financial guarantee bond valued at \$306,797 was approved for release on November 20, 2007. A memorandum was forwarded to Headquarters financial responsibility staff directing the release on November 20, 2007.

Safety Kleen, Oakland, (Alameda County), CAD530044053. A release request from financial assurance requirements for the Safety Kleen, Oakland facility was received and processed on March 21, 2008. On October 26, 2007, Permitting and Corrective Action Branch staff accepted Safety Kleen's closure certification submitted August 17, 2007. The amount released from Safety Kleen's insurance policy was \$207,033.00. The memorandum documenting the release request was sent to Headquarters on April 23, 2008.

Safety Kleen, Rohnert Park, (Sonoma County) CAT000613943. A release request from financial assurance requirements was received and processed for the Safety Kleen, Rohnert Park facility on March 21, 2008. On October 26, 2007, Permitting and Corrective Action Branch accepted Safety Kleen's closure certification submitted on August 3, 2007. The amount released from Safety Kleen's insurance policy was \$193,507.00. The memorandum documenting the release request was sent to Headquarters on April 23, 2008.

Safety Kleen, Salida, (Stanislaus County), CAT000613968. A release request from financial assurance requirements was received and processed for the Safety Kleen, Salida facility on March 21, 2008. On October 26, 2007, Permitting and Corrective Action Branch accepted Safety Kleen's closure certification submitted August 6, 2007. The amount released from Safety Kleen's insurance policy was \$188,133.00. The memorandum documenting the release request was sent to Headquarters on April 23, 2008.

Sonoco Products Company (Former Greif Brother Property site), Pittsburg (Contra Costa County), No EPA ID. No. On May 16, 2008, a memorandum from the Cleanup Program was received requesting the release of a \$100,000 Letter of Credit while the company moves forward to obtain a Certificate of Deposit. Sonoco Products is currently negotiating an Operation and Maintenance Agreement for the Greif Brother Property. The request was forwarded to Headquarters on June 25, 2008, for release.

Truecycle Incorporated, Victorville, (San Bernardino County), CAL000279045. A release request was received from EERP Cypress and completed on January 15, 2008, for Truecycle's financial assurance mechanism. The mechanism was a Certificate of Deposit for closure of a CRT Recycling facility and valued at \$25,000. Truecycle was certified closed by EERP Cypress on December 31, 2007.

APPENDIX B
ENFORCEMENT AND EMERGENCY RESPONSE PROGRAM
FORMAL ENFORCEMENT ACTIONS

Acquisition Scrap Metals (ASM), Huntington Beach, (Orange County), No EPA ID No. (border, non-RCRA). On February 27, 2008, DTSC and ASM entered into a Consent Order settling violations observed during the November 30, 2007, border truck stop. ASM agreed to a payment of \$10,500.00 dollars. Of the total due, \$8,000.00 is penalty and \$2,500.00 shall be a credit towards California Compliance School. ASM is a metal recycler company located in Huntington Beach, California and is listed as the Consignee (Importer of Record) on the U.S. Customs and Border Protection Inward Cargo Manifest Uniform.

Advanced Environmental, Inc., Fontana, (Riverside County), CAT080025711 (non-RCRA). On March 14, 2008, DTSC entered into a Consent Order with Advanced Environmental settling violations discovered on an inspection conducted on June 4, 2007. The company was cited for using an unregistered transporter and for failure to follow their waste analysis plan in regards to proper procedures for chain of custody. Advanced Environmental agreed to a \$7,500 penalty.

Alberto Culver, USA, Inc., dba St. Ives Laboratories, Chatsworth, (Los Angeles County), CAR000047159. On May 29, 2008, DTSC and St. Ives Laboratory, Inc., a subsidiary Alberto Culver, USA, Inc., entered into a Consent Order settling violations observed during an investigation on May 16, 2003, in order to support the FBI as part of a Task Force assist. The facility agreed to a penalty of \$25,000, of which \$5,000 will be a credit if two of its employees successfully complete California Compliance School. The violations involved illegal storage and failure to make a proper hazardous waste determination. The facility is a generator of hazardous waste.

All Metals, Inc., dba ECS Refining, Santa Clara, (Santa Clara County), CAD003963592. On October 30, 2007, a Stipulation and Order was signed by DTSC settling financial responsibility violations found during a May 2003 financial responsibility evaluation. The facility received a draft Consent Order for negotiation purposes on July, 26, 2006. As a result of stalled negotiations, an Enforcement Order was issued to the facility on December 15, 2006. Negotiations were re-initiated and then stalled. A hearing date was scheduled for October 30, 2007. The facility ultimately settled the matter via the Stipulation and Order and agreed to a final settlement of \$16,520.

Ancon Marine Inc., Carson, (Los Angeles County), CAD980737068. On April 29, 2008, DTSC and Ancon Marine Inc. entered into a Consent Order settling violations observed during the August 8, 2007, transporter inspection. The facility agreed to a penalty of \$14,560 of which \$5,000 will be a credit if two of its employees successfully complete California Compliance School. The violations involved holding hazardous wastes longer than ten days at its transfer facility. The facility is a registered transporter of hazardous waste.

Aviation Equipment, Inc., Costa Mesa, (Orange County), CAR000046433.

On June 17, 2008, the Orange County Superior Court signed and fully executed the Stipulation and Judgment for Aviation Equipment Inc. (dba Rooke Corp. and dba Aviation Equipment Structures, Inc.), settling the case for \$170,000. Aviation is an avionics fluid power valve and hose fitting manufacturer that was inspected on March 14, 2006, and cited for Class I violations including: failure to prevent wind release of Chromium (VI); failure to prepare a training plan and provide training to employees; and system-wide failure to label hazardous wastes. The facility does not conduct treatment of hazardous waste (it stopped treating waste after being issued a Stipulation and Order by DTSC in 2000 for failure to conduct a Phase I Environmental Assessment).

Avibank Manufacturing, Inc., North Hollywood, (Los Angeles County),

CAR000016428. On November 16, 2007, DTSC signed and fully executed a Consent Order for Avibank. A penalty of \$8,060 was for violations observed during the May 11, 2007, generator inspection that included storage greater than 90 days, failure to complete a closure plan or waste analysis plan, and lack of an adequate tank assessment. The facility was given a \$2,000 credit for attending California Compliance School.

BSI Electronics Recyclers, Azusa, (Los Angeles County), CFI000000028 (non-

RCRA). On December 18, 2007, DTSC entered into a Consent Order with BSI Electronics Recyclers to settle violations cited during an inspection conducted on April 3, 2007. BSI was found in violation for failing to mark electronic waste with accumulation start dates, and for accumulating CRTs and UWEDs for greater than one year. BSI agreed to a penalty of \$17,000, will receive a \$5,000 credit for sending an employee to California Compliance School, and will receive up to an \$8,000 credit for a Supplemental Environmental Project (SEP) of collecting old computers from K-12 schools and supplying them with refurbished computers.

Ben's Truck and Equipment, Inc., Red Bluff, (Tehama County), CAD055559678

(non-RCRA). On February 26, 2008, DTSC and Ben's Truck and Equipment entered into a Consent Order settling violations discovered on a March 10, 2007, inspection of this transporter. Ben's Truck and Equipment was cited for exceeding the 10-day transfer facility exemption, spills, open containers, inadequate aisle space, and labeling violations. The company agreed to a penalty of \$14,000.

Bergman Transportation, Inc., Glendale, (Maricopa County), AZR000003613

(complaint, non-RCRA). On September 17, 2007, DTSC and Bergman

Transportation, Inc., entered into a Stipulation and Order settling violations described in the Enforcement Order issued on February 2, 2007, and observed during the November 8, 2006, complaint investigation. The facility agreed to a payment of \$8,000 penalty.

The full penalty payment was received on September 12, 2007. The violations involved transportation of hazardous waste in California without a registration.

The draft Consent Order was sent to the facility on January 4, 2007. The facility is located in Arizona and does business in California by transporting used oil, antifreeze, and oily wastewater.

Chico Drain Oil Service, LLC, Chico, (Butte County), CAD980694103 (non-RCRA).

On September 5, 2007, DTSC entered into a Consent Order with Chico Drain Oil Service settling violations observed on an August 23, 2006, inspection. Chico Drain Oil Service is a permitted used oil and waste anti-freeze transfer facility, as well as a registered transporter. The company was found in violation for: storage of waste in an authorized location; exceeding the 10-day transfer facility exemption; the use of containers not in good condition; failure to accurately maintain an operating log; and failure to adequately fund financial assurance for closure of the facility. Chico Drain Oil Service corrected the violations and agreed to pay a \$14,000 penalty.

City of Glendale Public Works Department, Glendale, (Los Angeles County), CFI000000002 (non-RCRA).

On August 8, 2007, DTSC and the City of Glendale Public Works Department (CGPWD) entered into a Consent Order settling violations observed during an inspection conducted on December 6, 2006. CGPWD is a handler/collector of electronic waste, including CRTs, and was found in violation for failure to use proper packaging containers for storage of CRTs, failure to immediately clean up broken CRT glass, and failure to provide adequate training to its employees handling CRT waste. CGPWD agreed to a \$13,000 penalty, will receive a \$5,000 credit for sending two employees to California Compliance School, and will receive up to an \$8,000 credit for funding a Supplemental Environmental Project (SEP). The SEP includes: establishing a drop-off site for low value electronics and CRTs; mailing educational inserts to the Glendale community in Armenian, Spanish, and English languages; placing an announcement on the local television channel about the City's free unlimited e-waste program; writing short articles about e-waste in the "City Views" newsletter; and inserting e-waste disposal options on customer's solid waste billing statement.

City of Watsonville, Watsonville (Santa Cruz County), CAL000107652. On July 3, 2007, DTSC issued an Enforcement Order to the City of Watsonville settling violations resulting from an inspection conducted at the facility on November 13, 2006. Violations included failure to: notify DTSC within thirty days before and after ceasing treatment activities; submit a signed notification of closure to DTSC; submit an annual report to DTSC for cathode ray tubes and materials collected from offsite during calendar year 2005, and; submit an annual report to DTSC for UWEDs accepted from offsite during calendar year 2005. DTSC and the City of Watsonville entered into a Stipulation and Order on September 11, 2007, that required the City of Watsonville to pay a penalty of \$3500.00.

Clean Harbors Environmental Services, Irwindale, (Los Angeles County), CAL000113451.

On June 12, 2008, DTSC entered into a Consent Order with Clean Harbors Environmental Services for violations discovered on an inspection conducted on November 14, 2007. Clean Harbors was cited for: failure to develop a schedule and procedure for inspecting hazardous waste tanks; and failure to make arrangements with local authorities to coordinate emergency services and provide them with a list of emergency coordinators. Clean Harbors agreed to a penalty of \$13,000 and will receive a \$5,000 credit for sending an employee to California Compliance School.

Clean Harbors, Redwood City, (San Mateo County), CAD982439895. On August 10, 2007, DTSC entered into a Consent Order with Clean Harbors Environmental Services that allows Clean Harbors to operate the former Romic Environmental Rail Terminal pending the processing of a Class II permit modification. Clean Harbors acquired Romic's hazardous waste permit on August 3, 2007. A Class I permit modification was completed on August 6, 2007, allowing the change in ownership and transfer of the hazardous waste facility permit to Clean Harbors. The Consent Order allows Clean Harbors to perform the same activities and receive the types of wastes which the former owner/operator was allowed to do, pending the submission and processing of a Class II permit modification to adjust operations at the facility.

ConocoPhillips Company, Carson (Los Angeles County), CAD980881676. DTSC entered into a Consent Order with ConocoPhillips Company on April 30, 2008, for violations found during an inspection on December 19, 2007. Violations included a leaking container, storing hazardous waste in a container in poor condition, and labeling violations. The case was resolved for \$2500.

Cummings Transportation, Shafter (Kern County), CAD981435621. DTSC entered into a Consent Order with Cummings on October 4, 2007, for transportation violations found during an inspection on May 21, 2007. Cumming agreed to pay \$6000 in penalties and received a credit to attend California Compliance School within six months.

E-Recycling Of California, Hayward, (Alameda County), CAL000276332. On November 8, 2007, DTSC signed and fully executed a Consent Order for E-Recycling of California with the assessed penalty of \$28,000 paid in full. The Consent Order settled violations from an October 18 and October 25, 2006, inspection at this universal waste handler and Cathode Ray Tubes treatment facility. The violations included storing Cathode Ray Tube materials in over 2500 damaged Gaylord boxes, storing these boxes in an uncovered area, failing to properly clean up broken Cathode Ray Tube glass, storing Cathode Ray Tube material for more than one year, and failing to follow their training plan.

Evergreen Oil, Inc., Newark, (Alameda County), CAD980887418 (non-RCRA). On June 24, 2008, DTSC entered into a Consent Order with Evergreen Oil resolving a violation discovered on an inspection conducted at this facility on June 13, 2007. Evergreen Oil was cited for transferring custody of hazardous waste to a rail company prior to obtaining the handwritten signature of that company on the manifest. The company agreed to pay a penalty of \$8,000.

Ewaste Center Incorporated, Commerce, (Los Angeles County), CAR000169094 (non-RCRA). On August 16, 2007, DTSC entered into a Consent Order with Ewaste Center Incorporated (ECI) settling violations observed on an inspection of ECI conducted on April 18, 2007. ECI is a CRT and UWEDs handler under the SB 20/50 program. The company was found in violation for failure to timely notify DTSC of its intent to handle e-waste, failure to contain releases of UWEDs and CRT materials, and failure to provide training to its employees handling CRTs and UWEDs. ECI returned to

compliance. The company agreed to \$12,500 in penalties, and will receive a \$5,000 credit for sending an employee to California Compliance School.

Federal Aviation Administration, Rancho Cordova, (Sacramento County), CAL000215010 (complaint, non-RCRA). On December 18, 2007, DTSC entered into a Consent Order with the Federal Aviation Administration (FAA) to resolve violations resulting from a complaint investigation regarding a shipment of PCB-contaminated used oil. The investigation was conducted on January 5, 2006, and the agency was cited for failure to make a hazardous waste determination, and shipping hazardous waste to an unauthorized location. The FAA agreed to a penalty of \$7,000, and will receive a \$5,000 credit for sending an employee to California Compliance School.

Firing-Line Indoor Shooting and Training Range, Inc., Northridge, (Los Angeles County), CAD982402000; and Shooting Range, Inc., Huntington Beach, (Orange County), CAD982501025. On November 6, 2007, DTSC entered into a joint Consent Order with the California Office of the Attorney General on behalf of DTSC involving two shooting ranges: Firing-Line Shooting and Training Range and Shooting Range, Inc. The case was investigated by the former Task Force Investigations Support Branch on January 20 and February 3, 2004. The two indoor ranges, owned by the same company, generate range lead contaminated with fine powders, and were in violation for: failure to properly characterize the range lead as hazardous waste; failure to prepare manifests for the transportation of hazardous waste, and failure to minimize releases. The parties agreed to a penalty of \$60,000, and will receive a credit of \$30,000 for a SEP. The operator agreed to purchase, install, and maintain a Rubber Bullet Trap and Ultrasonic Screener at both ranges as part of the SEP. The implementation of the SEP will allow the bullet scrap metal to be easily recycled with minimum contamination of heavy metal fine powders less than 100 microns in size.

Gardena Specialized Processing, Gardena (Los Angeles County), CAD981384837. On February 20, 2008, DTSC signed and fully executed the Stipulation and Order for Gardena Specialized Processing (GSP). The case settled for \$250,000. The Stipulation and Order followed an Enforcement Order that was issued on June 11, 2007. GSP is an electroplating facility that generated and treated cyanide wastewaters onsite when the facility was first inspected by DTSC on November 15, 2005. Violations noted during that inspection included treating hazardous wastes without a permit or grant of authorization, failure to prepare a written, certified tank assessment for tanks used to treat hazardous waste, accumulating acetone waste in an unsafe manner, and failure to store containers holding ignitable or reactive waste at least fifty feet from the property line. GSP stopped treating waste onsite in March 2006.

Golden Natural Company, Los Angeles, (Los Angeles County), CAL000179583 (complaint). On May 16, 2008, DTSC entered into a Consent Order with Golden Natural for violations observed on an inspection conducted on October 26, 2007. Golden Natural treated cyanide hazardous waste without a permit or grant of authorization from DTSC. The company agreed to a penalty of \$12,500 and will receive a credit of \$5,000 for sending an employee to California Compliance School.

Heraeus Metal Processing, Inc, Santa Fe Springs, (Los Angeles County), CAD060398229 (non-RCRA). On August 28, 2007, DTSC and Heraeus Metal Processing entered into a Consent Order settling violations discovered on a March 19, 2007, inspection. During the inspection, Heraeus was cited for failure to follow both their inspection schedule and Waste Analysis Plan. Heraeus agreed to pay a penalty of \$21,000.

Hi Tech Trucking, Lawndale, (Los Angeles County), CAL000296737 (self-disclosure, non-RCRA). On October 12, 2007, DTSC entered into a Consent Order with Hi Tech Trucking for a violation regarding transportation with an expired registration that was self disclosed on February 27, 2007. High Tech is an asbestos and mold abatement contractor who disclosed that they transported asbestos from May 31, 2005, until February 20, 2007, with an expired transporter registration. DTSC inspected the transporter on April 17, 2007. The lapse in registration was due to an employee who did not update the yearly applications for the company's licenses and permits, and who was also convicted of embezzling money from the business. The company moved, making it harder for agencies to give them timely notification that their permits had expired. On February 20, 2007, upon realization of the lapse in transporter registration, the company shut down operations. On April 4, 2007, the company resumed operations when their transportation registration was renewed. DTSC inspectors reviewed records and manifests, and verified that the transported waste was legally disposed of. Inspectors reviewed court documents detailing the following sentence for the employee: two weeks in jail; one year of community service; probation; and pay \$25,000 in restitution. After review, it was determined that High Tech met the nine self-disclosure criteria set forth in Cal/EPA's Self Disclosure Policy, and was eligible for a 75% reduction in penalty. Hi Tech agreed to a penalty of \$7,500.

Industrial Waste Utilization, Inc., Montclair, (San Bernardino County), CAD980585293. On July 9, 2007, DTSC entered into a Consent Order with Industrial Waste Utilization settling violations discovered on an April 20, 2006, inspection of this transporter. Industrial Waste Utilization was cited for exceeding the 10-day transfer facility exemption, failure to securely close several containers during transportation, and failure to minimize a release. The company agreed to an \$18,040 penalty.

Intechra LLC, Los Angeles, (Los Angeles County), CAL000268784 (complaint, non-RCRA). On June 2, 2008, DTSC entered into a Consent Order with Intechra settling violations identified during an inspection conducted on April 23, 2007. Intechra is a CRT and UWED handler. The company was cited for the following violations: sending hazardous waste baghouse aluminum fines to a facility not authorized to accept the waste; mischaracterizing the aluminum fines as excluded recyclable material; failure to prepare a manifest for waste sent off-site for disposal; and failure to immediately clean up the release of CRT and UWED hazardous constituents to the environment. The company agreed to a penalty of \$45,000, and is eligible for a \$22,500 credit for completing a Supplemental Environmental Project within one year.

J&B Enterprises, Santa Clara, (Santa Clara County), CAD982052797. On January 11, 2008, a Stipulation and Order was signed settling the violations found from a 2005 inspection at the facility by DTSC staff and as identified in the November 9, 2007,

enforcement order. The case settled for \$42,700 which included \$20,000 as reimbursement for DTSC's enforcement related costs. As required in the Stipulation and Order, J&B Enterprises submitted a revised inspection plan and employee training documents for DTSC's review. J&B Enterprises is a precious metal recycler.

KYO Computer Inc., Newark, (Alameda County), CAL000294519 (non-RCRA). On July 30, 2007, DTSC signed and fully executed a Consent Order for KYO Computers Inc., an e-waste recycler. The Order followed an August 22, 2006, site visit during which DTSC observed Class I violations for careless handling of CRTs which resulted in breakage, and accumulating CRTs in eight Gaylord boxes that showed evidence of damage. The case settled for \$15,000, all of which was penalty and paid in four installments.

Kyocera America, Inc., San Diego, (San Diego County), CAD047896097. On September 13, 2007, the Attorney General's office filed a Complaint for Civil Penalties and Injunctive Relief in the enforcement case against Kyocera America, Inc. DTSC staff inspections of this facility on May 19, 2003, October 16, 2003, and June 28, 2005, resulted in an enforcement action that led to the civil complaint. Settlement negotiations have been on-going and the case is scheduled for trial by jury in January 2009.

L-3 Communications Corporation, San Carlos, (San Mateo County), CAD056160336. On October 18, 2007, DTSC signed and fully executed a Consent Order for L-3 Communications. The assessed penalty of \$27,500 was for violations observed during the July 18, 2003, generator inspection that included storage greater than 90 days, open containers, unlabeled containers, inadequate or lack of tank assessments, and lack of secondary containment. The facility was given a \$3,000 credit for attending California Compliance School.

Mare Island Naval Shipyard, Vallejo, (Solano County), CA7170024775. On March 5, 2008, DTSC signed a Consent Agreement which resolves violations found during a groundwater monitoring inspection conducted on February 24, 2003. Mare Island Naval Shipyard has a RCRA-regulated landfill and surface impoundments. Violations included: failure to follow procedures in the Water Quality Sampling and Analysis Plan; failure to collect groundwater samples from the upper-most aquifer, the Intermediate Water-Bearing Zone and the Deep Water-Bearing Zone; failure to analyze for all the hazardous constituents in the landfill and surface impoundments; failure to institute an evaluation monitoring program even though there was evidence of a release; failure to identify the uppermost aquifer and hydraulically interconnected aquifers; failure to conduct well maintenance; and failure to maintain monitoring data in the written operating record. Mare Island has returned to compliance on all violations. No penalty was assessed.

Motores El Flaco (MEF), Mexicali, (Imperial County), No EPA ID No. (border, non-RCRA). On April 2, 2008, DTSC and MEF entered into a Consent Order to settle violations observed during the November 30, 2007, border truck stop. MEF agreed to a payment of \$8,000.00 dollars. Of the total due, \$3,000.00 is penalty and \$5,500.00 shall be a credit towards California Compliance School. MEF is a transporter for scrap metal with used oil generated in the U.S. that is exported into Mexico.

Omohondro Company, Tustin, (Orange County), CAL000263029 (complaint, non-RCRA). On March 21, 2008, DTSC and Omohondro Company, entered into a Consent Order settling violations observed during the June 25, 2007m complaint investigation. The facility agreed to a payment of a \$6,590 penalty. The full penalty payment was received on April 10, 2008. The major violation involved training requirements. The facility manufactures military aircrafts parts dealing with sensor casings made of fiberglass and resin compounds, and generates solvent-contaminated wastes.

PCA Industries, LLC, dba PCA Metal Finishing, Inc., Fullerton, (Orange County), CAD038682522. On July 2, 2007, DTSC entered into a Consent Order with PCA Industries settling violations resulting from an inspection conducted at the facility on August 24, 2005. Under the terms of the Consent Order, PCA Industries paid DTSC \$35,000 in four installments of \$8,750 on August 1, 2007, November 1, 2007, February 1, 2008, and May 1, 2008. Violations included: failure to maintain the facility to minimize the possibility of a release of hazardous waste to the environment; the container and piping used to transfer laboratory waste to the permit by rule system not being located in a containment system; manifests lacking the required Land Disposal Restriction paperwork, and; the facility contingency plan being incomplete.

Phibro-Tech, Inc., Santa Fe Springs, (Los Angeles County), CAD008488025. On July 30, 2007, DTSC entered into a Consent Order with Phibro-Tech (PTI) settling violations cited during an April 14, 2003, inspection and subsequent inspections in 2004, 2005, and 2006. The violations cited include: unauthorized storage; failure to conduct tank assessments at the frequency required by permit; failure to maintain accurate operating records; releases in secondary containment; and failure to maintain secondary containment. PTI agreed to a \$151,275 penalty, \$10,000 of which is for administrative costs. PTI will receive a \$5,000 credit for sending an employee to California Compliance School. PTI will also receive a \$22,680 credit for a current ISO 14001 certificate, and both the 2007 and 2008 ISO 14001 recertification's. Ten thousand dollars of the penalty will be paid to the Environmental Education Account as a Supplemental Environmental Project. A number of specific compliance conditions are also required in the agreement.

Philip West Industrial Services, Long Beach, (Los Angeles County), CAR000146837. On August 3, 2007, DTSC and Philip West Industrial Services entered into a Consent Order settling violations observed during the March 26, 2007, transporter inspection. The facility agreed to a payment of a \$9,440 penalty. The full penalty payment was received on August 14, 2007. The major violations involved holding hazardous wastes over ten days at its transfer facility, and using an invalid EPA ID number on several manifests. The facility is a registered hauler of hazardous waste.

Precision Works, Inc., Redwood City, (San Mateo County), CAD150823508. On November 14, 2007, DTSC signed a Stipulation for Entry of Judgment to settle civil case violations sited on March 11, 2003, against Precision Works, Inc. (PWI). The Judgment memorializing the settlement was entered in San Mateo Superior Court on December 24, 2007, precluding the scheduled April 2008 trial date. On DTSC's behalf, the Attorney General's Office filed a civil complaint in San Mateo Superior Court on April

3, 2007, against PWI as a result of the company's decision to back out of a settlement agreement previously negotiated with DTSC. After protracted negotiations, threats of bankruptcy, and extensive effort on the part of the Attorney General's Office and DTSC staff, PWI agreed to the Judgment that included a total penalty settlement amount of \$72,732, admission of the facts alleged in the case, and surrender all Identification Numbers no longer in use. In January 2008, as specified in the Judgment, PWI paid DTSC \$10,000 in up-front settlement dollars to reimburse DTSC for costs. The Judgment also entered a penalty of \$62,732 which accrues interest at 10% per year until the remaining penalty is paid. Violations cited against the company included transporting hazardous waste without proper transporter registration; transporting hazardous waste with improper identification numbers; storing hazardous waste in excess of the 10-day transfer station exemption; changing business locations without notifying DTSC; transporting, receiving, and storing an unlabeled container of lead waste without a hazardous waste manifest; and manufacturing a manifest for the lead waste after the fact.

RBC Transport Dynamics Corporation, Santa Ana (Orange County), CAD046057063. On September 4, 2007, DTSC entered into a Consent Order with RBC settling violations resulting from an inspection conducted at the facility on March 7, 2007. Under the terms of the Consent Order, RBC paid DTSC \$10,500.00. Violations included: unauthorized treatment of hazardous waste; and failure to complete an assessment of tanks and containment of the waste treatment system.

Rho-Chem Corporation, Inglewood, (Los Angeles County), CAD008354432. On June 6, 2008, DTSC entered into a Consent Order with Rho-Chem for violations resulting from an inspection conducted at this facility on June 26, 2007. Rho-Chem was cited for: failure to operate its facility in a manner to minimize a release; failure to transfer waste from a leaking container to a container in good condition; and inadequate inspection logs. The company agreed to pay a penalty of \$17,000.

Romic Environmental Technologies, East Palo Alto, (San Mateo County), CAD009452657. On August 29, 2007, a Stipulation and Order was signed between DTSC and Romic, which forced Romic to cease all operations, notify DTSC of Romic's intent to commence final closure by September 28, 2007, and submit a closure plan to DTSC by October 28, 2007, for closure of the entire facility. Northern California EERP is continuing to investigate issues associated with a March 2006 employee burn incident, a June 2006 tanker release, a January 2007 Kern County transportation incident, as well as the 2005 EERP compliance evaluation, and U.S. EPA's June 2003 and August 2006 inspections. The settlement of the Stipulation and Order does not preclude EERP from pursuing additional enforcement and the assessment of penalties against Romic.

S & W Atlas Iron and Metal Company, Inc., Los Angeles, (Los Angeles County), CAD981460116 (complaint). On April 3, 2008, DTSC entered into a Stipulation for Settlement and Entry of Judgment with S & W Atlas Iron and Metal (Atlas) for violations discovered on an April 25, 2003, complaint inspection. The complaint was filed against Atlas by the DTSC Schools Unit, and was prompted by an incident in December 2002 when a military training shell, thought to be inert, activated while being dismantled. A

second shell, propelled by the force of the explosion, landed in the adjacent Jordan High School athletic field. During the inspection, Atlas was cited for unauthorized storage of hazardous waste lead, zinc, copper, mercury, and PCBs in two unpermitted waste piles. An Enforcement and Corrective Action Order was issued to Atlas on November 26, 2003. The case was referred to the California Office of the Attorney General on December 18, 2003. Soil samples collected in March 2004 from the Jordan High School Athletic Field confirmed that migration of contaminants from the Atlas site had occurred. A removal action subsequently took place, and the athletic field was resurfaced. In August 2006, a removal action was performed by U.S. EPA contractors to remove the two hazardous waste piles at the Atlas site while Jordan High School was closed during a school break. A re-mobilization of the removal was conducted in September 2006. A total of 1,764 cubic yards of material from both the small and large pile were removed; and approximately 522 yards of below-grade waste was excavated and removed in the re-mobilization period. Atlas agreed to a total penalty of \$650,000, of which \$300,000 is for funding a Remediation Escrow Account to be used to construct an engineered cap and install a new wall between Atlas and Jordan High School. Atlas agreed to pay an additional sum of \$350,000, of which \$210,000 is reimbursement for the cleanup costs at Jordan High School; \$90,000 for administrative costs; and \$50,000 in civil penalties. As of June 30, 2008, a temporary fence was installed, the old wall demolished, and the new wall foundation completed. Both the new wall and the reinforced concrete cap are expected to be completed by July 14, 2008.

Sakin Metals Inc., Huntington Beach, (Orange County), CAD982042483. On May 2, 2008, DTSC entered into a Consent Order with Sakin Metals settling violations discovered during an inspection conducted on October 30, 2003, at this scrap metal recycler. Sakin was cited for the following violations relating to the handling of hazardous waste range lead (containing fine powders): transportation without a valid hazardous waste transporter registration; transportation without a manifest; transportation to unauthorized locations; illegal storage at an unpermitted location; and storage in uncovered containers subject to wind dispersion. Sakin agreed to a penalty of \$35,000, and will receive a credit of \$5,000 for sending three employees to California Compliance School. Eight thousand dollars of the penalty will also be paid to the Environmental Education Account as a Supplemental Environmental Project.

Samex Environmental Services, Inc. #1, San Diego, (San Diego County), CAR000113324 (border, non-RCRA). On August 10, 2007, DTSC and Samex Environmental Services entered into a Stipulation and Order settling violations described in the Enforcement Order issued on January 25, 2007, and observed during the March 1, 2006, border truck stop inspection. The facility agreed to a payment of \$2,000, all of which is a penalty. The full payment of \$2,000 was received on September 14, 2007. The major violations involved failure to characterize hazardous waste, failure to use a manifest for shipping hazardous waste, and failure to manage containers that were not empty.

Samex Environmental Services, Inc. #2, San Diego, (San Diego County), CAR000113324 (border, non-RCRA). On August 10, 2007, DTSC and Samex Environmental Services entered into a Stipulation and Order settling violations described in the Enforcement Order issued on January 25, 2007, and observed during the August 8, 2006, border truck stop inspection. The facility agreed to a penalty of \$21,000, of which \$8,000 is a penalty, \$8,000 is for reimbursement of the Department's costs and \$5,000 is credit for a Supplement Environmental Project. The penalty will be paid in three installments. The major violations involved were: failure to characterize a RCRA hazardous waste; failure to keep hazardous waste containers closed; and releases of hazardous waste into the environment.

San Diego Gas and Electric, San Diego, (San Diego County), CAD980636682 (self-disclosure). On December 18, 2007, DTSC entered into a Consent Order with San Diego Gas and Electric settling a violation that was self-disclosed in a letter dated September 15, 2006. The disclosure involved 124 batches of non-PCB used oil shipped as exempt oil between July 2003 and July 2006, without subjecting each batch to the required fish bioassay. An inspection was conducted on September 20, 2006. The self-disclosure was evaluated, and a determination was made that the utility met the nine criteria for waiver of gravity-based penalties based on Cal/EPA's Self-Disclosure Policy, and was eligible for a 75% reduction in penalty. San Diego Gas and Electric agreed to a penalty of \$20,000, of which \$10,000 is paid to the Environmental Education Account.

Santa Ana Plating, Santa Ana, (Orange County), CAD981370836. On September 14, 2007, the Superior Court for the County of Orange entered a Consent Judgment between DTSC and Santa Ana Plating. Under the terms of the Judgment, the facility will pay DTSC \$160,000.00 over two years on quarterly installments, plus the accrued and unpaid interest on \$600,000. On October 18, 2007, DTSC received payment in full from the facility. On August 10, 2005, DTSC staff inspected this facility and observed the following violations: storage of hazardous waste for greater than ninety days; storage of hazardous waste without authorization; and failure to maintain the facility to minimize the possibility of a release of hazardous waste to soil or surface water.

Shell Martinez Refinery, Martinez (Contra Costa County), CAD009164021. DTSC entered into a Consent Order with Shell Martinez Refinery on February 11, 2008. The Consent Order settled a violation that was found during an October 24, 2007, inspection that the facility had allowed the release of hazardous waste to the ground from a leaking 20 yard roll-off bin. The case was settled for \$2,000.

Siemens Water Technologies, Vernon, (Los Angeles County), CAD097030993. On May 1, 2008, DTSC entered into a Consent Order with Siemens Water Technologies settling violations discovered during an inspection conducted on June 4, 2007. Siemens was cited for the following: failure to sign and date manifests; cracks in secondary containment; inadequate secondary containment walls; labeling violations; breach of security; and inspection log violations. The company agreed to a penalty of \$13,000.

Taormina Industries, LLC, Anaheim, (Orange County), CAD981378201 (non-RCRA). On October 12, 2007, DTSC and Taormina Industries, LLC, entered into a Consent Order settling violations observed during the March 27, 2007, electronic waste collector inspection. The facility agreed to a payment of \$9,900 with \$3,448 going to cover DTSC's cost and \$6,452 in penalty. The facility received a \$5,000 credit to the penalty for its employee successfully completing California Compliance School. The violations involved transporting hazardous waste without using a registered transporter or hazardous waste manifest and improper labeling. The facility is a solid waste transfer station and material recovery facility. The hazardous waste is generated when the facility removes hazardous waste that has been inappropriately disposed of in the municipal waste during load check and material sorting operations. Prior to the inspection, the facility was transporting the hazardous waste from its property, less than 500 feet along a public right-of-way to a household hazardous waste collection facility operated by the County of Orange on property also owned by the facility. The parcels involved are separated by a public right-of-way. The facility has corrected all violations.

Trident Plating, Inc., Santa Fe Springs, (Los Angeles County), CAR000083865. On July 31, 2007, the court signed the Preliminary Injunction for the Trident Plating an electroplating job shop. On March 7, 2008, under a stipulation approved by the Los Angeles Superior Court, DTSC reached a \$285,000 settlement with Trident Plating. The facility operates three hazardous tank systems (acid, cyanide and metal hazardous waste solutions) and has an extensive history of non-compliance with tank regulations including mixing incompatible waste in the tank system. Trident has agreed to suspend cyanide waste treatment.

United Air Lines Maintenance Operation Center, Building 49, San Francisco, (San Mateo County), CAD041319294. On November 1, 2007, DTSC signed and fully executed a Consent Order for United Air Lines. The assessed penalty of \$85,000 was for violations observed during the October 18, 2006, generator inspection that included storage greater than 90 days, failure to maintain facility to minimize release, lack of tank assessments, and storage of two containers of the same waste in one satellite accumulation area (a repeat violation from a 2004 U.S. EPA enforcement).

West Contra Costa Sanitary Landfill, Richmond, (Contra Costa County), CAD041844002 (complaint). On September 26, 2007, DTSC signed a Consent Agreement with West Contra Costa Sanitary Landfill (WCCSL) and Republic Services, Inc., its corporate parent, to settle alleged violations at the site. WCCSL and Republic agreed to a total monetary settlement of \$725,000. This includes penalties of \$325,000, and \$200,000 in reimbursement for Department costs. The remaining \$200,000 is apportioned to several Supplemental Environmental Projects, including \$50,000 to the Environmental Protection Prosecution Fund, \$50,000 to the Environmental Education Account of the California Environmental Protection Agency, \$50,000 to The Watershed Project, and a \$50,000 credit to put on electronic waste collection events. DTSC found extensive problems with the facility's leachate collection and treatment system. Many of the extraction wells did not function, their treatment system was often down, and the level of leachate in the closed hazardous waste portion of the landfill was very high. DTSC issued an Enforcement Order on February 2, 2006, which included a finding of imminent and substantial endangerment, requiring them to take steps to address the

high leachate levels, including repairing wells and pumps, adding extraction and monitoring wells, and repairing/upgrading their treatment system. Since issuance of that Order, DTSC has been working with the facility to implement these repairs and upgrades, as well as explore apparent problem areas and develop solutions (notably the CAMU). This settlement puts the facility on a clear track to compliance and a more protective future. A new permit is also in process, which will carry this improvement forward for the next decade.

APPENDIX C
IMPERIAL COUNTY AND TRINITY COUNTY CUPA PROGRAMS
IMPLEMENTATION SUMMARY

BACKGROUND:

Senate Bill 1082 of 1993 created the Unified Program (UP) to establish consistent, consolidated and coordinated locally run agencies to oversee the management of hazardous materials and wastes. Specifically included are inspection, permitting, enforcement, and administration of the following six program elements:

1. Hazardous waste generators and onsite treatment facilities authorized under the permit-by-rule conditionally authorized and conditionally exempt tiers;
2. Spill prevention control and countermeasure plans for owners of above ground storage tanks;
3. Under ground storage tank program;
4. Hazardous material release response plans and inventories (Business Plans);
5. California Accidental Release Prevention Program (CAL/ARP); and
6. Hazardous Materials Management Plans and Inventories.

To date 56 of the 58 counties have had their programs certified by the California Environmental Protection Agency (Cal/EPA). In addition, 26 cities have had local agencies certified. Only Trinity and Imperial County failed to assume the program responsibilities.

The State worked for over 10 years from 1995 through the summer of 2005 to get Imperial and Trinity Counties to identify a local agency to implement the Certified Unified Program. In the summer of 2005, Cal/EPA informed the respective Boards of Supervisors that if they did not designate a local agency to run the program, the State would step in and become the Certified Unified Program Agency (CUPA). In the summer/fall of 2005, Cal/EPA and DTSC management met with the heads of various county agencies. The Counties were given an ultimatum to designate a local agency.

In January of 2005, DTSC was designated by Cal/EPA to implement the CUPA program in Trinity and Imperial Counties with the understanding that full implementation could not commence until expenditure authority was obtained through the budget process. Budget approval authority was granted July 2005, and most of the staff positions were filled by January 2006. DTSC has been actively working since then to implement these programs.

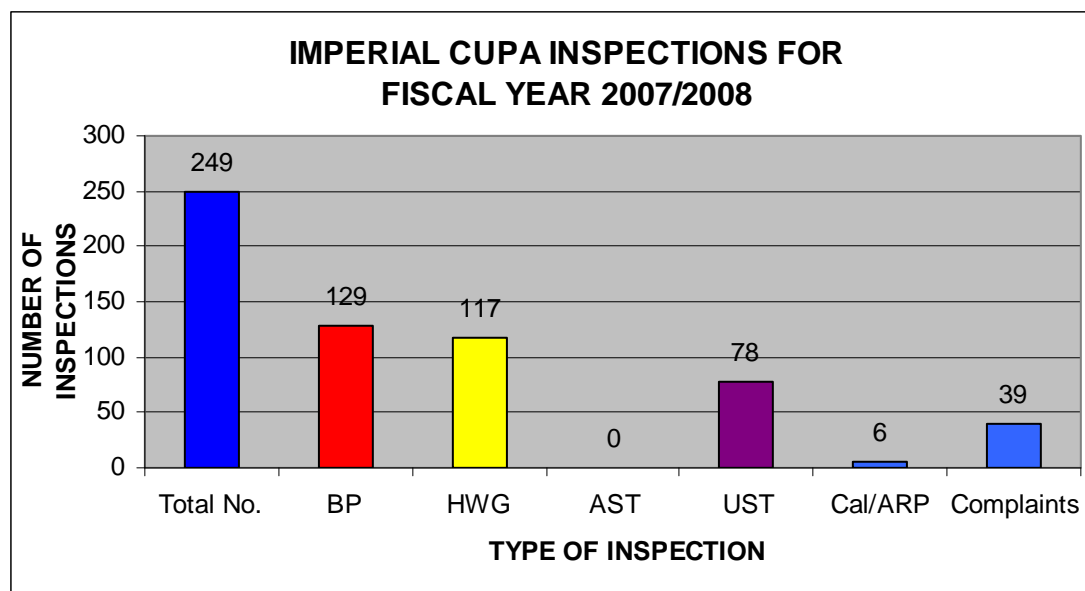
A. IMPERIAL COUNTY IMPLEMENTATION ACTIVITIES:

- Identified new businesses in Imperial County, bringing the total to 781, which presently receive invoices.
- Billed \$1,434,993.26.00 in CUPA fees and penalties.

- Participated in monthly-scheduled County Fire Chiefs' Association meetings for coordination on Hazardous Materials Response activities, bi-monthly Hazardous Incident Response Committee meetings, and California–Mexico Border 2012 Meetings.
- Initiated the Environmental Justice Workshop due to an initiative from Mr. Gale Filter, EERP Deputy Director, to encourage community involvement in identifying local environmental problems.
- Responded to over 400 inquiries from generators, facilities, consultants and other interested parties.
- Continued to attend the Imperial County Environmental Task Force meetings.
- Provided 11 training sessions to the regulated community for all program elements at various locations throughout the county.
- Inspected approximately 249 facilities.
- Performed 129 Hazardous Materials Business Plan inspections.
- Performed 117 Hazardous Waste inspections.
- Performed annual inspections to approximately 78 UST facilities.
- Performed 6 CalARP inspections.
- Responded to and conducted approximately 39 complaint investigations.
- Logged approximately 43 reported hazardous materials releases.
- Participated in the Cal-CUPA Forum Managers' Meeting.
- Attended the Annual Cal CUPA Conference training provided in San Francisco.
- Attended the Annual Decade Software Users Conference training provided in Fresno.
- Imperial CUPA had its first DTSC CUPA Audit in the month of December 2007.
- Continued to update and QA/QC data in the Envision data system.
- Continued to modify the Envision data system to meet the needs of the CUPA.
- Developed and modified various Envision Data Reports, UST Permit, Billing Invoices, and Payment Certificates.
- Prepared purchasing and justification documents for the upgrade of the Envision data system which is PC based to the EnvisionConnect data system which is web based.

CUPA Program	Approx. Number of Imperial County Businesses Subject to this Program
Business Plan/HazMat Plan/Inventory	713
Hazardous Waste Generator	576
California Accidental Release Prevention (CalARP)	47
Underground Storage Tank (UST)	89
Aboveground Petroleum Storage Tank (AST)	215
Tiered Permitting Facilities	1

The following Chart depicts the number of facilities inspected for Fiscal Year 2007/2008 and per program element:



BP = Hazardous Materials Business Plan

HWG= Hazardous Waste Generator

AST= Aboveground Storage Tank

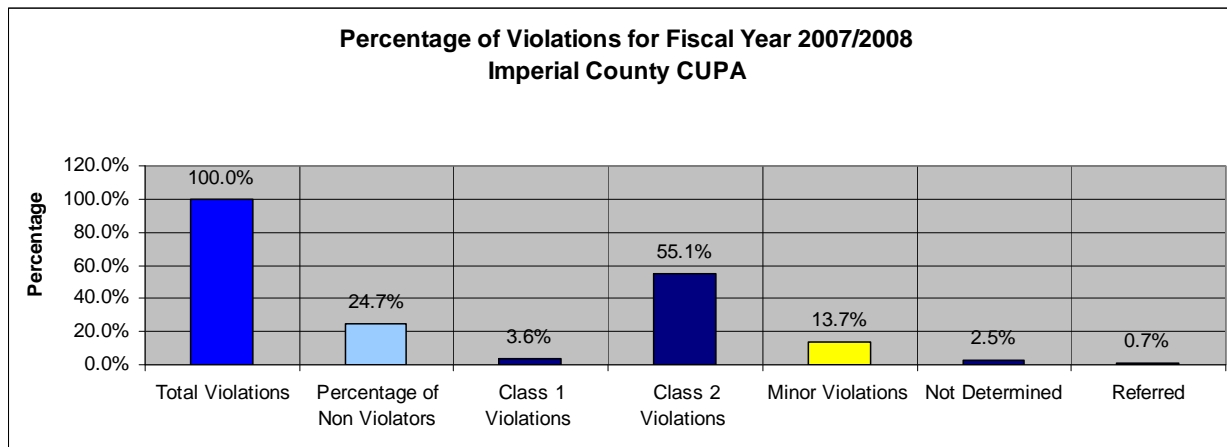
UST = Underground Storage Tank

Cal/ARP = California Accidental Release Prevention

Complaints= these are besides required annual inspections

*Since some of these businesses are have several program elements the Total No. of Inspections may differ from the Total No. of Insp. Facilities.

The following graph depicts the percentage of violations per class:



There were a total of 212 facilities with violations observed during the Fiscal Year 2007/2008; these are not the total per facility (note: some of the facilities could have had two or more types of violations during a single inspection):

Non-Violators = 70

Class 1 Violators = 10

Class 2 Violators = 156

Minor Violators = 38

Not Determined = 7

Referred = 2

B. TRINITY COUNTY IMPLEMENTATION ACTIVITIES:

- Continued to identify newly regulated businesses in Trinity County. At the close of FY 2007/08, 137 businesses in Trinity County have been identified as being subject to CUPA regulations.
- Oversaw annual monitoring certification inspections at the nine active Underground Storage Tank sites (USTs) in Trinity County. Oversaw major UST repairs at three UST facilities including the following:
 - replacement of recalled flexible piping;
 - repair of a UST, under dispenser containment, and secondary piping, and installation of a new UST monitoring pane;
 - repair of turbine sumps and spill buckets and removal of an illegal system to bypass the monitoring device.

At one UST, the owner and operator were directed to cease filling the diesel compartment of one of their tanks, to cease dispensing diesel from this tank compartment, and to shut down the turbine to this tank compartment until it is repaired and retested.
- Conducted 29 non-UST CUPA inspections. Of these 29 inspections, 23 were subject to Business Plan requirements, 17 were subject to hazardous waste generator requirements, and one

was subject to Aboveground Petroleum Storage Tank requirements.

- Sent the following to businesses in Trinity County: one warning letter and four letters requiring the owner to comply with specified requirements by a specified date.
- Received four hazardous waste complaints from Trinity County in FY 07/08. CUPA staff investigated and closed one complaint. The remaining complaints are under investigation by CUPA staff.
- Continued taking required classes to keep International Code Council (ICC) UST certification for two EERP inspectors. ICC UST certification is required by the SWRCB to conduct UST inspections.
- Secured a contractor to complete the draft Trinity County Hazardous Material Area Plan (Area Plan). Prepared a Letter of Interest to the Region III Local Emergency Planning Committee (LEPC) of the State Office of Emergency Services stating that the Trinity County CUPA will be submitting an application for a Hazardous Material Emergency Planning grant to develop the final Area Plan for Trinity County and to conduct a Table Top Exercise of the Area Plan. The amount requested was \$20,000.
- Applied for and will receive \$45,073 early in FY 08/09, and will receive at least \$11,268 late in FY 08/09, in grant money from Cal/EPA to develop and begin implementation of the new CUPA Aboveground Petroleum Storage Tank (AST) requirements.
- Attended the Region III LEPC meetings.
- Attended some of the monthly Trinity County Fire Chief Association (TCFCA) meetings in Weaverville, California. Continued to distribute Business Plans to the Trinity County Fire Chiefs.
- Secured free two-day First Responder Operations classes for Trinity County firefighters from the Region III LEPC. This class is required training for all firefighters.
- Attended some of the Northern California CUPA Forum Managers' meetings and Northern California UST Technical Advisory Group meetings.
- Completed and submitted the following reports for the Trinity County CUPA: the Quarterly Underground Storage Tank Program Reports to the SWRCB, and the CUPA to State Reports 1 through 4. Completed the Trinity County CUPA Self-Audit.
- Provided technical and compliance assistance to local businesses within the CUPA jurisdiction.
- Worked to resolve invoice and billing issues.
- Worked with Cal/EPA to raise CUPA fees in order for the Trinity County CUPA to become self-funding.
- Developed the following forms:
 - checklists for all of the CUPA programs except the AST program;
 - a registration form, fact sheet, and dispute resolution procedure for the CalARP program;

- a Customer Service Survey form, included in mail-outs to CUPA businesses;
- a Business Plan Update form, mailed to CUPA businesses subject to Business Plan requirements. 63 of the 90 Business Plan Update forms mailed to CUPA businesses have been completed and returned to the CUPA; and
- a UST Permit form.
- Developed an inspection schedule so that all CUPA businesses are inspected at least once every three years, except for USTs, which are inspected yearly.

The following chart shows how many of the 137 regulated businesses in Trinity County are subject to each CUPA program element. Some of the businesses are subject to more than one CUPA program.

CUPA Program	Approx. Number of Trinity County Businesses Subject to this Program
Business Plan/HazMat Plan Inventory*	125
Hazardous Waste Generator**	60
California Accidental Release Prevention (CalARP)	7***
Underground Storage Tank	10****
Aboveground Petroleum Storage Tank (AST)	34

* In Trinity County the Hazardous Materials Management Plan/Hazardous Material Inventory Plan is covered by the Business Plan requirements.

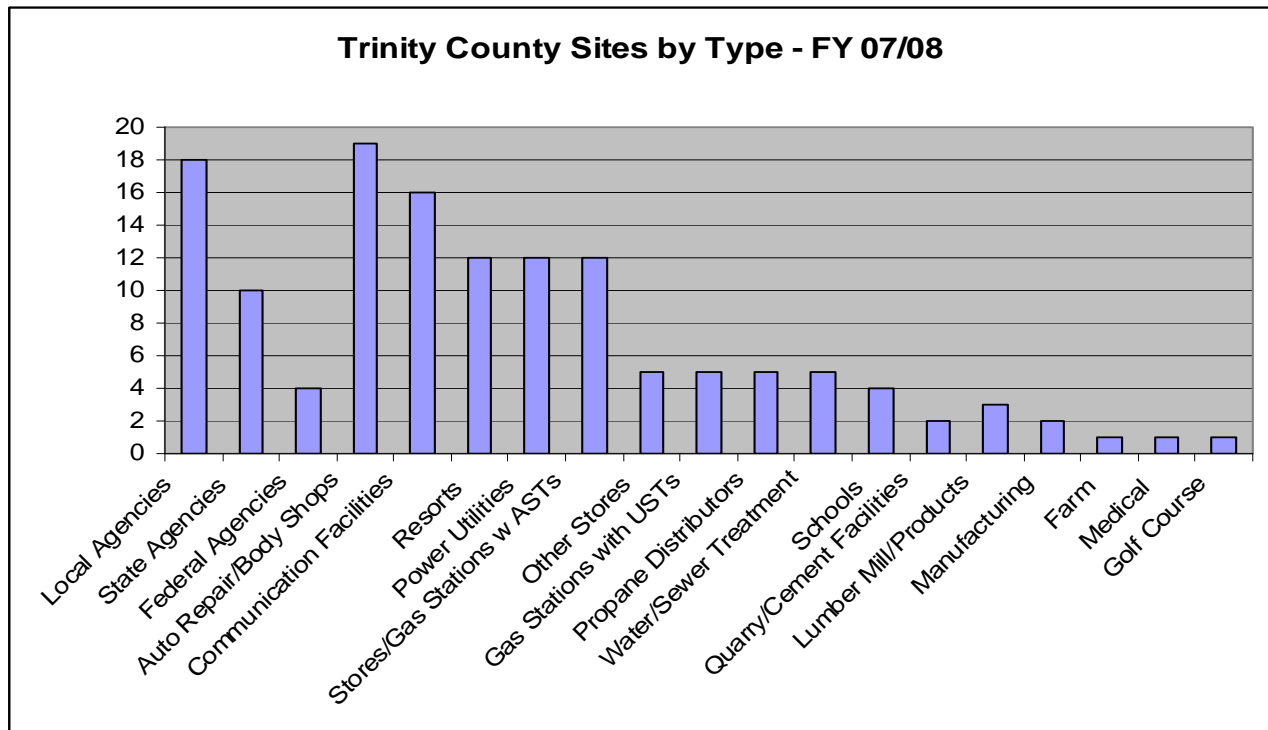
** The Hazardous Waste Generator category also covers Hazardous Waste Tiered Permitting (HWTP). No HWTP regulated businesses have been found to date in Trinity County.

*** Five businesses have been identified as CalARP facilities. One of these facilities has three stationary sources, bringing the total number of CalARP sites up to seven.

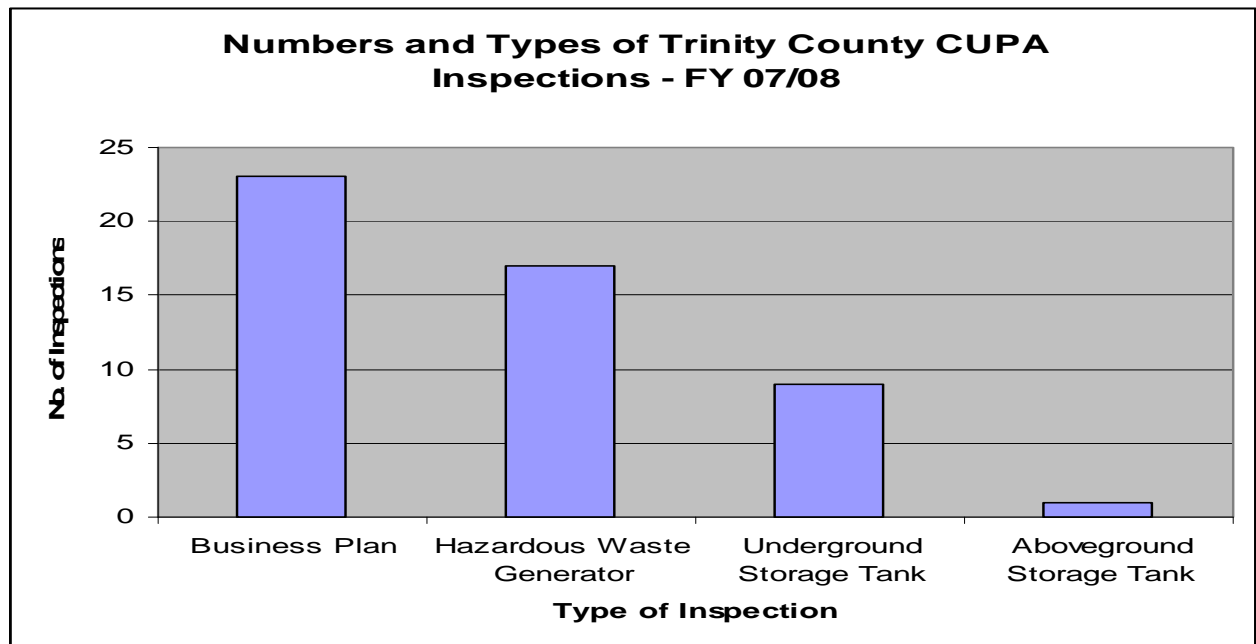
**** One of these 10 businesses has USTs that are inactive and will be removed.

The following chart shows the number of each type of Trinity County sites subject to CUPA regulations.

**Chart 1. Estimated Universe of Businesses Regulated by the DTSC
CUPA in Trinity County in FY 07/08**



**Chart 2. Number and types of regulated entities subject to
DTSC's Trinity County CUPA.**



APPENDIX D
COMPLIANCE INCENTIVES
SELF-DISCLOSURES

Chevron Products Company, El Segundo, Carson, (Los Angeles County), CAD008336901: DTSC received a self-disclosure notice from Chevron personnel regarding the unauthorized disposal of a hazardous waste at the Waste Management, Inc., Kettleman Hills Facility (WMI) on August 1, 2006. Chevron representatives incorrectly characterized a RCRA-F037 hazardous waste as a non-RCRA hazardous waste which was transported under manifest to WMI and disposed of improperly. The Department tracked the corrective actions until complete and on March 3, 2008, mailed a Consent Order to the facility with an assessed penalty of \$17,727.00. The Consent Order was signed and a penalty check was received by April 11, 2008.

Conoco Phillips Company, City of Tempe, (State of Arizona), No EPA ID Number. During the week of March 17, 2008, DTSC staff conducted an investigation of Conoco Phillips Company regarding its self disclosure notification. The investigation indicated that the facility, which may have committed a violation, is located outside California, and therefore out of DTSC's jurisdiction. The disclosure notification which was received on February 25, 2008, involved shipment of hazardous spent activated carbon as non-hazardous from Washington to a carbon recovery facility in California. Using the CAL/EPA's Self-Disclosure Policy, no further action will be taken against the facility.

Hi Tech Trucking, Lawndale, (Los Angeles County), CAL000296737 (self-disclosure, non-RCRA). On October 12, 2007, DTSC entered into a Consent Order with Hi Tech Trucking settling a violation regarding transportation with an expired registration that was self-disclosed on February 27, 2007. High Tech is an asbestos and mold abatement contractor who disclosed that they transported asbestos from May 31, 2005, until February 20, 2007, with an expired transporter registration. DTSC inspected the transporter on April 17, 2007. The lapse in registration was due to an employee who did not update the yearly applications for the company's licenses and permits, and who was also convicted of embezzling money from the business. The company moved, making it harder for agencies to give them timely notification that their permits had expired. On February 20, 2007, upon realization of the lapse in transporter registration, the company shut down operations. On April 4, 2007, the company resumed operations when their transportation registration was renewed. DTSC inspectors reviewed records and manifests, and verified that the transported waste was legally disposed of. Inspectors reviewed court documents detailing the following sentence for the employee: two weeks in jail; one year of community service; probation; and pay \$25,000 in restitution. After review, it was determined that High Tech met the nine self-disclosure criteria set forth in Cal/EPA's Self Disclosure Policy, and was eligible for a 75% reduction in penalty. Hi Tech agreed to a penalty of \$7,500.

San Diego Gas and Electric, San Diego, (San Diego County), CAD980636682 (self-disclosure). On December 18, 2007, DTSC entered into a Consent Order with San Diego Gas and Electric settling a violation that was self-disclosed in a letter dated September 15, 2006. The disclosure involved 124 batches of non-PCB used oil

shipped as exempt oil between July 2003 and July 2006, without subjecting each batch to the required fish bioassay. An inspection was conducted on September 20, 2006. The self-disclosure was evaluated, and a determination was made that the utility met the nine criteria for waiver of gravity-based penalties based on Cal/EPA's Self-Disclosure Policy, and was eligible for a 75% reduction in penalty. San Diego Gas and Electric agreed to a penalty of \$20,000, of which \$10,000 is paid to the Environmental Education Account.

APPENDIX E
COMPLIANCE ASSISTANCE
30-DAY STORAGE EXTENSION REQUESTS

Below is a summary of FY 2007-08 30-day extension requests for generator onsite accumulation of RCRA hazardous waste. In order for a requestor's application to be approved, the application must 1) be complete and contain all requested information, 2) have an original signature, and 3) must be received by DTSC prior to the 90-day accumulation time limit expiring.

Summary of 30-Day Extension Requests FY07/08

Facility	EPA ID#	City/County	Approval/Denial
Life Sparc	CAR000104414	Hollister	Request approved on August 16, 2007
NEC Electronics	CAD980881510	Roseville	Request withdrawn on September 18, 2007
Linear Technology	CAD981420821	Milpitas	Request denied on October 15, 2007, because it was submitted after the fact.
TOTAL			1 approved, 1 withdrawn, 1 denied

APPENDIX F
OFFICE OF CRIMINAL INVESTIGATIONS
CASES RESOLVED

David E. Battle, San Diego County - On February 20, 2008, David E. Battle plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law, agreed to pay a fine of \$2,020, serve 150 hours of community service, was placed on 3 years summary probation, and placed an advertisement in newspaper warning others not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Israel S. Bilodeau, El Dorado County - On August 17, 2007, Israel S. Bilodeau plead no contest to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law, agreed to pay a fine of \$1,100, serve 30 days work release, and be placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the El Dorado County DA's office on July 17, 2007.

Bradley Borges, Los Angeles County - On December 11, 2007, Bradley Borges plead guilty to two misdemeanor violations for violating provisions of the Hazardous Waste Control Law, agreed to pay a fine of \$16,020, serve 100 days jail, and be placed on 3 years formal probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Bud's Polishing and Metal Finishing - On August 27, 2007, Buds Polishing and Meal Finishing entered into a Consent Order with the Department of Toxic Substances Control. The defendant was ordered to pay fines/penalties of \$5,000. This case for illegal disposal was referred to the Office of Legal Counsel on July 27, 2007.

Douglas Burdick, Riverside County - On August 21, 2007, Douglas Burdick plead guilty to one felony violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$9,780, serve 30 days jail, and was placed on 3 years formal probation. This case for illegal transportation of hazardous waste was referred to the Riverside County DA's office on May 5, 2006.

Joe G. Canales, San Diego County - On February 20, 2008, Joe G. Canales plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,020, serve 100 hours of community service, was placed on 1 year summary probation and placed an advertisement in newspaper warning others not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Patrick J. Canto, San Diego County - On February 27, 2008, Patrick J. Canto plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,020, serve 100 hours of community service, be placed on 1 year summary probation and place an advertisement in newspaper warning other not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Edward Carter, Los Angeles County - On October 11, 2007, Edward Carter plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$870 and serve 60 hours of community service. This case for illegal disposal of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Alejandro Castell-Veliz, Los Angeles County - On November 8, 2007, Alejandro Castell-Veliz plead guilty to two misdemeanor violations for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$5,500, serve 240 hours of community service, and be placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Cesar Coronado dba Jump Hauling, San Francisco County - On September 14, 2007, Cesar Coronado dba Jump Hauling, plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law, and agreed to pay a fine of \$5,099, serve 1 day in jail, be placed on 3 years formal probation, and serve 75 hours of community service. This case for illegal disposal of hazardous waste was referred to the San Francisco County DA's office on October 17, 2005.

Gregory S. Creighton, San Diego County - On February 20, 2008, Gregory S. Creighton plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,020, serve 100 hours of community service, was placed on 1 year summary probation, and placed an advertisement in newspaper warning others not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Arthur B. Douglas, Yuba County - On July 18, 2007, Arthur B. Douglas plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$3,200, serve 2 days in jail and was placed on 2 years probation. This case for illegal disposal of hazardous waste was referred to the Yuba County DA's office on June 13, 2007.

Marvin Dunbar, Yuba County - On September 14, 2007, Marvin Dunbar plead no contest to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,550, serve 25 days in jail and was placed on 3 years summary probation. This case for illegal disposal hazardous waste was referred to the Yuba County DA's office on September 26, 2005.

Freddy Flores, Riverside County - On January 11, 2008, Freddy Flores was found guilty for two felony and three misdemeanor violations for violating provisions of the Hazardous Waste Control Law and was sentenced to 4 years prison and fined \$500. This case for illegal transportation of hazardous waste was referred to the Riverside County DA's office on May 16, 2007.

Matthew D. Galea, Yuba County - On July 18, 2007, Matthew D. Galea plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law

and agreed to pay a fine of \$3,200, serve 2 days in jail and was placed on 2 years probation. This case for illegal disposal of hazardous waste was referred to the Yuba County DA's office on June 13, 2007.

Saturio A. Garcia, Los Angeles County - On November 8, 2007, Saturio A. Garcia plead guilty to two misdemeanor violations for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$5,000, serve 240 hours of community service and was placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Alfonzo M. Godines, Yuba County - On July 18, 2007, Alfonzo M. Godines plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$3,200, serve 2 days in jail and was placed on 1 year probation. This case for illegal disposal of hazardous waste was referred to the Yuba County DA's office on June 13, 2007.

John Hancock, El Dorado County - On August 17, 2007, John Hancock plead no contest to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$1,000, serve 3 days in jail and 30 days community service. This case for illegal transportation of hazardous waste was referred to the El Dorado County DA's office on July 17, 2007.

Terry Harris, Los Angeles County - On November 8, 2007, Terry Harris plead guilty to two misdemeanor violations for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$5,500, serve 240 hours of community service and was placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Joseph D. Hapiuk dba Greenleaf Environmental, Sacramento County - On September 11, 2007, Joseph D. Hapiuk dba Greenleaf Environmental plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$120, serve 1 day in jail, was placed on 3 years informal probation and serve 45 days county jail converted to 270 hours of community service. This case for illegal transportation of hazardous waste was referred to the Sacramento County DA's office on June 14, 2007.

Christian E. Hempstead, Yuba County - On August 29, 2007, Christian E. Hempstead plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$3,200, serve 2 days in jail and was placed on 3 years probation. This case for illegal transportation of hazardous waste was referred to the Yuba County DA's office on June 14, 2007.

Clark A. Hosser, San Diego County - On February 20, 2008, Clark A. Hosser plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,020, serve 120 hours of community service, was placed on 1 year summary probation, and placed an advertisement in newspaper

warning others not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Jack C. Kellum, El Dorado County - On October 1, 2007, Jack C. Kellum plead no contest to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$3,335, serve 30 days work release and was placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the El Dorado County DA's office on July 17, 2007.

Kinya Lewis, San Diego County - On February 27, 2008, Kinya Lewis plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,020, serve 100 hours of community service, was placed on 1 year summary probation, and placed an advertisement in newspaper warning others not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Luciano Lopez dba Glyco Environmental Services, San Bernardino County - On September 27, 2007, Luciano Lopez dba Glyco Environmental Services plead no contest to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$1,000 and was placed on 3 years probation. This case for illegal disposal hazardous waste was referred to the San Bernardino County DA's office on June 6, 2007.

MAC Transportation - On June 25, 2008, MAC Transportation entered into a Consent Order with the Department of Toxic Substances Control. The defendant was ordered to pay fines/penalties of \$30,000. This case for illegal disposal was referred to the Office of Legal Counsel on February 25, 2008.

Aldo Medina, Los Angeles County - On November 8, 2007, Aldo Medina plead guilty to two misdemeanor violations for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$5,500, serve 240 hours of community service, and was placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Sandor Molnar, San Diego County - On February 20, 2008, Sandor Molnar plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,020, serve 170 hours of community service, was placed on 1 year summary probation, and placed an advertisement in newspaper warning others not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Dustin P. Moore, El Dorado County - On September 19, 2007, Dustin P. Moore plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$1,012, serve 30 days work release and was placed on 1 year summary probation. This case for illegal transportation of hazardous waste was referred to the El Dorado County DA's office on July 17, 2007.

Thomas J. Moore, Yuba County - On July 18, 2007, Thomas J. Moore plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$3,200, serve 2 days in jail and was placed on 2 years probation. This case for illegal disposal of hazardous waste was referred to the Yuba County DA's office on June 13, 2007.

Willie E. Moore, Yuba County - On July 18, 2007, Willie E. Moore plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$3,200, serve 2 days in jail and was placed on 29 months probation. This case for illegal transportation of hazardous waste was referred to the Yuba County DA's office on June 15, 2007.

Earle Navarro, Riverside County - On August 10, 2007, Earle Navarro plead guilty to one felony violation for violating provisions of the Hazardous Waste Control Law and was sentenced to 120 days jail, serve 80 hours community service and was placed on 3 years probation. This case for illegal transportation of hazardous waste was referred to the Riverside County DA's office on May 5, 2006.

Frank Noriega, Riverside County - On November 30, 2007, Frank Noriega was found guilty for two felony and three misdemeanor violations for violating provisions of the Hazardous Waste Control Law and was sentenced to 4 years and 8 months prison and fined \$1,210. This case for illegal transportation of hazardous waste was referred to the Riverside County DA's office on May 16, 2007.

Jose S. Ozuna, Los Angeles County - On November 8, 2007, Jose S. Ozuna plead guilty to two misdemeanor violations for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$5,000, serve 240 hours of community service and was placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Julio Ozuna-Zamano Medina, Los Angeles County - On November 8, 2007, Julio Ozuna-Zamano Medina plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$500, serve 240 hours of community service and was placed on 3 years summary probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on March 26, 2007.

Sherwin Smith, Los Angeles County - On January 15, 2008, Sherwin Smith was plead guilty for 11 felony violations for violating provisions of the Hazardous Waste Control Law and was sentenced to 6 years prison, 5 years suspended, fined \$102,000 and was placed on 5 years formal probation. This case for illegal transportation of hazardous waste was referred to the Los Angeles County DA's office on September 26, 2005.

John Wicklander, El Dorado County - On August 17, 2007, John Wicklander plead no contest to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$5,110, serve 30 days in jail and was placed on

3 years summary probation. This case for illegal transportation of hazardous waste was referred to the El Dorado County DA's office on July 17, 2007.

Zane Williams, San Diego County - On February 20, 2008, Zane Williams plead guilty to one misdemeanor violation for violating provisions of the Hazardous Waste Control Law and agreed to pay a fine of \$2,020, serve 100 hours of community service, was placed on 1 year summary probation, and placed an advertisement in newspaper warning others not to haul hazardous waste. This case for illegal disposal of hazardous waste was referred to the San Diego County DA's office on September 6, 2007.

Previously referred cases dismissed, not prosecuted or the statute of limitations expired:

- **Luis Avalos, San Diego County**
- **Bruce Ball, Orange County**
- **Neil Bennett, Yuba County**
- **Casper Concrete Company, San Diego County**
- **J. C. Paragon Industries Co., Los Angeles County**
- **Sherwin Smith, Los Angeles County**
- **Jeffrey Teachout, Los Angeles County**
- **Darren Thomas, San Diego County**